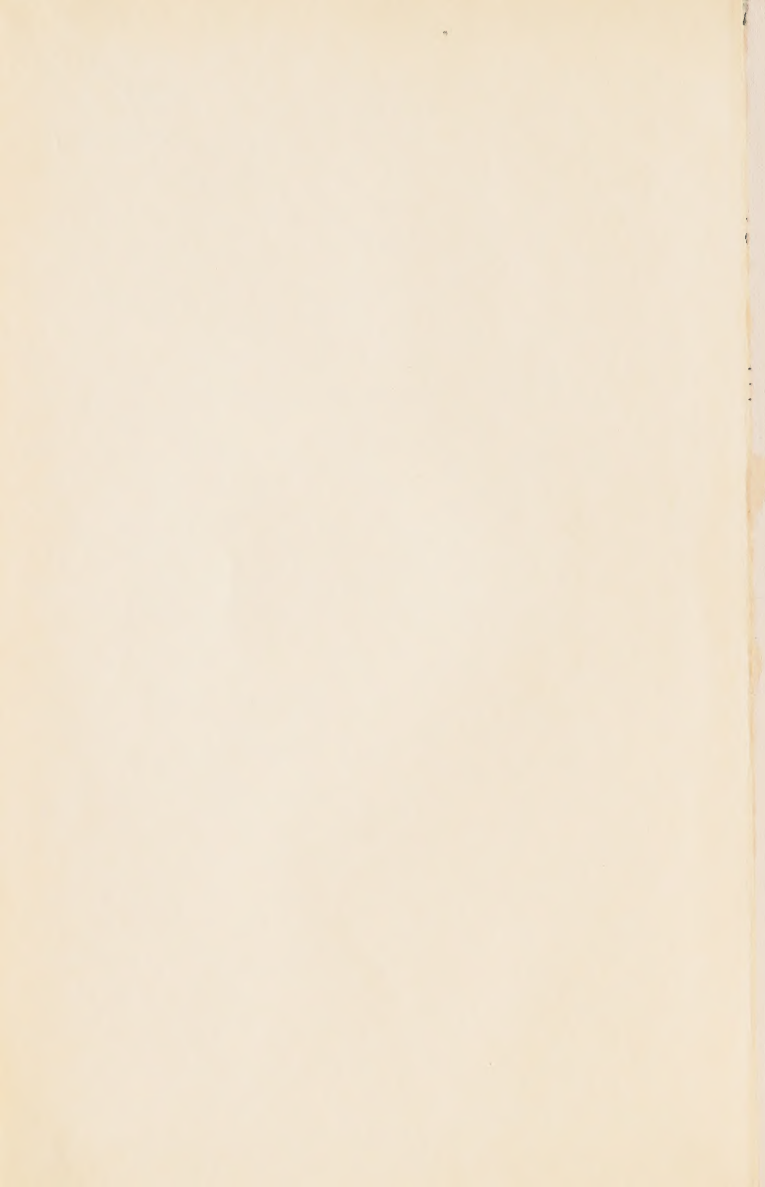


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Statutes
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Ontario, Statutes 437

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STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

Eighth Year of the Reign of His Majesty

KING EDWARD VII.,

Being the Fourth Session of the Eleventh
Legislature of Ontario.

1908

BEGUN AND HOLDEN AT TORONTO ON THE FIFTH DAY OF FEBRUARY IN THE YEAR OF OUR
LORD ONE THOUSAND NINE HUNDRED AND EIGHT.



124662
25/10/12

HIS HONOUR
SIR WILLIAM MORTIMER CLARK,
LIEUTENANT-GOVERNOR.

TORONTO: *
PRINTED AND PUBLISHED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty,
1908.



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TORONTO.

TABLE OF CONTENTS.

| | PAGE |
|--|------|
| 1. An Act for granting to His Majesty certain sums of money to defray the expenses of Civil Government for the year One Thousand Nine Hundred and Eight, and for other purposes therein mentioned..... | 1 |
| 2. An Act respecting Representation of the People in the Legislative Assembly..... | 6 |
| 3. An Act respecting Elections of Members of the Legislative Assembly..... | 28 |
| 4. An Act respecting Controverted Elections of Members of the Legislative Assembly..... | 119 |
| 5. An Act respecting the Legislative Assembly..... | 143 |
| 6. An Act respecting the Executive Council..... | 163 |
| 7. An Act to amend The Act respecting the Office of Sheriff.... | 164 |
| 8. An Act respecting Inquiries concerning Public Matters..... | 165 |
| 9. An Act to provide for Auditing the Public Accounts of the Province..... | 167 |
| 10. An Act respecting the Consolidated Revenue Fund..... | 176 |
| 11. An Act for raising money on the Credit of the Consolidated Revenue Fund of Ontario..... | 178 |
| 12. An Act respecting the Raising of Loans authorized by the Legislature..... | 179 |
| 13. An Act respecting Certain Funds held in trust for the Province by the Dominion of Canada..... | 183 |
| 14. An Act to supplement the Revenues of the Crown in the Province of Ontario..... | 184 |
| 15. An Act to amend The Supplementary Revenue Act, 1907.... | 196 |
| 16. An Act to amend The Public Lands Act..... | 199 |
| 17. An Act to amend the Free Grants and Homesteads Act.... | 201 |
| 18. An Act to amend The Rainy River Free Grants and Homesteads Act..... | 203 |
| 19. An Act to amend the Act to provide for the appropriation of certain lands for the Volunteers who served in South Africa and the Volunteer Militia who served on the Frontier in 1866..... | 205 |
| 20. An Act to amend The Forests Reserves Act..... | 207 |
| 21. An Act to consolidate and amend The Mines Act..... | 208 |
| 22. An Act to validate certain By-Laws passed and contracts made pursuant to "An Act to provide for the transmission of Electrical Power to Municipalities"..... | 308 |
| 23. An Act to amend the Act for the Improvement of Public Highways..... | 325 |
| 24. An Act to provide for the Development of Water Power at Dog Lake..... | 326 |
| 25. An Act to amend The Act respecting Agricultural Associations..... | 327 |

| | |
|---|------|
| 26. An Act to amend The Agricultural Societies Act..... | 328 |
| 27. An Act to amend The Horticultural Societies Act..... | 330 |
| 28. An Act respecting the Registration of Births, Marriages and Deaths | 332 |
| 29. An Act respecting the Queen Victoria Niagara Falls Park... | 342 |
| 30. An Act respecting an Agreement between the Commissioners for the Queen Victoria Niagara Falls Park and the Electrical Development Company of Ontario, Limited.... | 344 |
| 31. An Act to amend the Act respecting Burlington Beach..... | 348 |
| 32. An Act respecting The Queenston Heights Park..... | 349 |
| 33. The Statute Law Amendment Act, 1908..... | 352✓ |
| 34. An Act to amend The Judicature Act..... | 369 |
| 35. An Act respecting The Weekly Court | 372 |
| 36. An Act to create the Provisional Judicial District of Fort Frances | 373 |
| 37. An Act to Amend the Act regulating the payment by Counties of certain expenses of Criminal Justice..... | 379 |
| 38. An Act to amend The Land Titles Act..... | 380 |
| 39. An Act to amend The Act respecting the Law Society of Upper Canada | 381 |
| 40. An Act to amend The Pharmacy Act | 383 |
| 41. An Act to amend The Act respecting Stationary Engineers... | 385 |
| 42. An Act to revise and amend the Chartered Accountants Act.. | 386 |
| 43. An Act to amend The Ontario Companies Act..... | 390 |
| 44. An Act to amend The Ontario Railway Act, 1906 | 394 |
| 45. An Act to amend The Ontario Railway Act, 1906 | 396 |
| 46. An Act to amend The Ontario Railway and Municipal Board Act | 398 |
| 47. An Act respecting certain Aid towards the Construction of the Canadian Northern Ontario Railway and Terminals..... | 399 |
| 48. The Municipal Amendment Act, 1908 | 403 |
| 49. An Act respecting Local Municipal Telephone Systems | 410 |
| 50. The Assessment Amendment Act, 1908..... | 414 |
| 51. An Act respecting Municipal Securities..... | 417 |
| 52. An Act to amend The Municipal Drainage Act | 420 |
| 53. An Act to amend The Act to regulate the Speed and Operation of Motor Vehicles on Highways | 421 |
| 54. An Act to amend The Liquor License Act..... | 423- |
| 55. The Milk, Cheese and Butter Act..... | 427 |
| 56. An Act respecting the Manufacture and Sale of Bread..... | 433 |
| 57. An Act to amend The Factories Act..... | 435 |
| 58. An Act to amend The Shops Regulation Act..... | 436 |
| 59. An Act for the Protection and Reformation of Neglected Children | 437 |
| 60. An Act to amend The Act to regulate the means of egress from Public Buildings | 452 |
| 61. An Act to amend the Act to Preserve the Forests from Destruction by Fire..... | 453 |
| 62. An Act to amend The Act to Prevent the Spread of Noxious Weeds..... | 454 |
| 63. An Act to amend The Line Fences Act | 455 |
| 64. An Act to amend The Ditches and Watercourses Act..... | 456 |
| 65. An Act to amend The Ontario Game and Fisheries Act | 457 |
| 66. An Act to amend The Department of Education Act..... | 459 |
| 67. An Act to amend The Public Schools Act..... | 461 |

CONTENTS

V.
PAGE

| | |
|---|-----|
| 68. An Act respecting Separate Schools, Fifth Classes and Continuation Schools | 466 |
| 69. An Act to amend The Act respecting Municipal Houses of Refuge | 467 |
| 70. An Act respecting the Village of Beamsville..... | 468 |
| 71. An Act respecting the City of Brantford..... | 469 |
| 72. An Act respecting By-law No. 4, for 1908, of the Town of Clinton | 474 |
| 73. An Act respecting the Town of Cobalt | 478 |
| 74. An Act respecting the Town of Collingwood and The Collingwood Shipbuilding Company, Limited | 481 |
| 75. An Act to confirm By-law No. 37, of the Town of Cornwall, for the year 1907..... | 486 |
| 76. An Act confirming a certain By-law and Agreement of the Town of Cornwall..... | 490 |
| 77. An Act to confirm By-law No. 12, for the year 1907, of the Township of Crowland..... | 495 |
| 78. An Act to confirm certain By-laws of the Township of Crowland..... | 498 |
| 79. An Act respecting the Town of East Toronto..... | 505 |
| 80. An Act respecting the City of Fort William..... | 509 |
| 81. An Act respecting the Floating Debt of the County of Frontenac | 524 |
| 82. An Act to confirm By-laws Nos. 20, 21 and 22, of 1907, of the Town of Goderich..... | 527 |
| 83. An Act respecting the City of Guelph..... | 532 |
| 84. An Act respecting the Old Burial Ground in the Town of Hespeler..... | 536 |
| 85. An Act to confirm By-law No. 401 of the Township of Humberstone..... | 541 |
| 86. An Act to incorporate The Town of Keewatin..... | 544 |
| 87. An Act respecting the Town of Kenora..... | 547 |
| 88. An Act respecting the Town of Listowel..... | 557 |
| 89. An Act respecting the City of London..... | 564 |
| 90. An Act respecting The London and Middlesex Sanatorium for Consumptives | 569 |
| 91. An Act respecting the Village of Markdale..... | 574 |
| 92. An Act to confirm By-law No. 288 of the United Townships of McLean and Ridout..... | 579 |
| 93. An Act respecting the Town of Meaford and The Seaman, Kent Company, Limited..... | 582 |
| 94. An Act respecting the Town of Midland..... | 587 |
| 95. An Act to confirm By-law No. 119 of the Village of Milverton..... | 596 |
| 96. An Act to confirm By-law No. 770 of the Town of Napanee.. | 605 |
| 97. An Act respecting the City of Niagara Falls and the Niagara Falls Suspension Bridge Company..... | 609 |
| 98. An Act to confirm By-law No. 239 of the Town of North Bay. | 611 |
| 99. An Act respecting the Town of North Toronto | 614 |
| 100. An Act respecting the United Counties of Northumberland and Durham..... | 617 |
| 101. An Act respecting the Township of Osgoode in the County of Carleton | 620 |
| 102. An Act respecting the City of Ottawa..... | 624 |
| 103. An Act respecting the Town of Perth | 633 |

| | |
|---|-----|
| 104. An Act respecting the City of Peterborough..... | 640 |
| 105. An Act respecting The City of Port Arthur..... | 667 |
| 106. An Act respecting the renewal of certain Debentures of the Town of Port Hope and the Port Hope Harbour..... | 682 |
| 107. An Act respecting the Town or Sarnia | 686 |
| 108. An Act respecting the Town of Sault Ste Marie..... | 689 |
| 109. An Act respecting the Town of Smith's Falls..... | 690 |
| 110. An Act respecting the Town of Southampton..... | 692 |
| 111. An Act to confirm By-laws Nos. 183 and 188 of the Town of Thorold | 694 |
| 112. An Act respecting the City of Toronto..... | 699 |
| 113. An Act respecting the Town of Trenton | 710 |
| 114. An Act respecting the Town of Uxbridge..... | 713 |
| 115. An Act respecting The Town of Wallaceburg..... | 722 |
| 116. An Act to confirm By-laws Nos. 240, 246, 264 and 291 of the Town of Welland..... | 725 |
| 117. An Act respecting the County of Wellington and the Town of Mount Forest..... | 732 |
| 118. An Act respecting the Town of Toronto Junction, and to in- corporate it as the City of "West Toronto"..... | 736 |
| 119. An Act respecting By-law No. 128 of the Township of Widdi- field..... | 746 |
| 120. An Act respecting The City of Windsor..... | 750 |
| 121. An Act respecting the Township of York | 752 |
| 122. An Act respecting The Canada Central Railway Company.... | 755 |
| 123. An Act respecting The Dunnville, Wellandport and Beams- ville Electric Railway Company | 757 |
| 124. An Act to amend certain Acts respecting The Fort Erie Ferry Railway Company..... | 759 |
| 125. An Act respecting The Guelph Radial Railway Company..... | 761 |
| 126. An Act respecting The Hamilton and Guelph Junction Rail- way Company..... | 763 |
| 127. An Act to incorporate The Iron Range Railway Company.... | 764 |
| 128. An Act respecting The Lac Seul, Rat Portage and Keewatin Railway Company..... | 768 |
| 129. An Act to amend The Act to Incorporate The Lake Superior, Long Lake and Albany River Railway Company..... | 770 |
| 130. An Act to incorporate The Morrisburg Electric Railway Company..... | 772 |
| 131. An Act respecting The Mount McKay and Kakabeka Falls Railway Company.... | 774 |
| 132. An Act respecting The North Lanark Railway Company..... | 778 |
| 133. An Act respecting the North Midland Railway Company.... | 780 |
| 134. An Act respecting The Ontario Sault Ste. Marie Railway Company..... | 781 |
| 135. An Act respecting The Ontario West Shore Electric Railway Company..... | 783 |
| 136. An Act respecting The South Western Traction Company.... | 801 |
| 137. An Act respecting the Western Central Railway Company ... | 802 |
| 138. An Act respecting the Port Hope Gas Company | 803 |
| 139. An Act to amend the Act incorporating Alma College at St. Thomas | 810 |
| 140. An Act respecting the Trustees of the Friends' Seminary of Ontario | 811 |

CONTENTS

vii.
PAGE

| | |
|--|-----|
| 141. An Act respecting the International Committee of the Young Men's Christian Associations | 814 |
| 142. An Act to vest certain lands in the Trustees of the Penetanguishene Methodist Church, and to enable them to sell the same | 816 |
| 143. An Act respecting the Division of the Surplus Income of the Rectory of St. James, Toronto..... | 818 |
| 144. An Act respecting the Railroad and City Young Men's Christian Association of St. Thomas, Ontario..... | 821 |
| 145. An Act respecting The Western University and College..... | 823 |
| 146. An Act respecting The Young Women's Christian Association of St. Thomas..... | 828 |



8 EDWARD VII.

CHAPTER 1.

An Act for granting to His Majesty certain sums of money to defray the expenses of Civil Government for the year One Thousand Nine Hundred and Eight and for other purposes therein mentioned.

Assented to 14th April, 1908.

MOST GRACIOUS SOVEREIGN :

WHEREAS it appears by messages from His Honour Sir Preamble.
William Mortimer Clark, Knight, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the Schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the Public Service thereof, and for other purposes for the year one thousand nine hundred and eight; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :—

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of Eight million one hundred and fifty-eight thousand one hundred and six dollars and thirty-one cents for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand nine hundred and eight, as set forth in Schedule "A" to this Act; and for the expenses of Legislation, Public Institutions' Maintenance, and Salaries of the Officers of the Government and Civil Service and other Services for the month of January, one thousand nine hundred and nine, as set forth in Schedule "B" to this Act.

\$8,158,106.31
granted out of
a consolidated
revenue fund
for certain
purposes.

2.

Accounts to be
laid before
Legislative
Assembly.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under Schedule "A" of this Act, shall be laid before the Legislative Assembly at its next sitting.

Unexpended
moneys.

3. Any part of the money under Schedule "A" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand nine hundred and eight, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the 20th day of January next shall lapse and be written off.

Expenditure to
be accounted
for to His
Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

SCHEDULE "A."

Sums granted to His Majesty by this Act for the year one thousand nine hundred and eight, and the purposes for which they are granted :—

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto :—

| | | |
|--|------------|--------------|
| Lieutenant-Governor's Office | \$4,300 00 | |
| Office of the Prime Minister and President of the Council | 7,700 00 | |
| Attorney-General's Department . . . | 61,512 00 | |
| Education Department | 26,684 00 | |
| Lands, Forests and Mines Depart- ment | 118,850 00 | |
| Public Works Department | 53,050 00 | |
| Treasury Department | 29,264 00 | |
| Provincial Auditor's Office | 15,290 00 | |
| Provincial Secretary's Department | 152,975 00 | |
| Department of Agriculture | 58,064 00 | |
| Miscellaneous | 17,750 00 | |
| | | \$545,439 00 |

LEGISLATION.

To defray expenses of Legislation 235,792 00

ADMINISTRATION OF JUSTICE.

To defray expenses of Administration of Justice 634,610 50

EDUCATION.

To defray expenses of :—

Public and Separate School Edu-
cation \$1,111,391 91

1a s.

High

| | | |
|--|------------|----------------|
| High Schools and Collegiate Institutes..... | 156,100 00 | |
| Departmental Library and Museum..... | 18,750 00 | |
| Public Libraries, Art Schools, Literary and Scientific | 60,500 00 | |
| Technical Education..... | 37,000 00 | |
| Superannuated Public and High School Teachers..... | 65,650 00 | |
| Provincial University and Mining Schools..... | 44,022 03 | |
| Maintenance Education Department and Miscellaneous..... | 27,612 67 | |
| Institution for Deaf and Dumb, Belleville | 57,518 00 | |
| Blind Institute, Brantford..... | 41,426 00 | |
| | <hr/> | \$1,619,970 61 |

PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of:

| | | |
|--|--------------|----------------|
| Hospital for Insane, Brockville.. | \$105,725 00 | |
| Hospital for Insane, Cobourg | 27,150 00 | |
| Hospital for Insane, Hamilton ... | 160,229 00 | |
| Hospital for Insane, Kingston ... | 110,610 00 | |
| Hospital for Insane, London..... | 153,038 00 | |
| Hospital for Insane, Mimico..... | 94,655 00 | |
| Hospital for Feeble Minded, Orillia..... | 87,078 00 | |
| Hospital for Insane, Penetanguishene. | 69,618 00 | |
| Hospital for Insane, Toronto..... | 146,977 00 | |
| Hospital for Epileptics, Woodstock | 37,136 00 | |
| Central Prison, Toronto..... | 70,940 00 | |
| Central Prison Industries..... | 73,470 00 | |
| Mercer Reformatory, Toronto... | 24,251 00 | |
| | <hr/> | \$1,160,877 00 |

AGRICULTURE.

| | |
|---|--------------|
| To defray expenses of a grant in aid of Agriculture | \$574,015 50 |
|---|--------------|

COLONIZATION AND IMMIGRATION.

| | |
|--|-------------|
| To defray expenses of Colonization and Immigration | \$58,000 00 |
|--|-------------|

HOSPITALS AND CHARITIES.

| | |
|--|--------------|
| To defray expenses of a grant in aid of Hospitals and Charities..... | \$350,161 18 |
|--|--------------|

MAINTENANCE

MAINTENANCE AND REPAIRS OF GOVERNMENT AND
DEPARTMENTAL BUILDINGS.

| | | |
|--|--------------|--------------|
| Government House..... | \$ 18,145 00 | |
| Parliament and Departmental Buildings | 91,387 60 | |
| | <hr/> | \$109,532 60 |

PUBLIC BUILDINGS.

Public Institutions :—

| | |
|--|-------------|
| Osgoode Hall..... | \$54 675 00 |
| Hospital for Insane, Brockville .. | 24,000 00 |
| Hospital for Insane, Cobourg | 3,000 00 |
| Hospital for Insane, Hamilton.... | 18,700 00 |
| Hospital for Insane, Kingston.... | 19,500 00 |
| Hospital for Insane, London..... | 28,825 00 |
| Hospital for Insane, Mimico..... | 15,900 00 |
| Hospital for Feeble Minded, Orillia | 11,500 00 |
| Hospital for Insane, Penetanguishene | 23,900 00 |
| Hospital for Insane, Toronto..... | 107,000 00 |
| Hospital for Epileptics, Woodstock | 24,150 00 |
| Central Prison, Toronto | 24,000 00 |
| Mercer Reformatory, Toronto | 4,300 00 |

Educational :—

| | |
|--|------------|
| Normal and Model Schools, Toronto. | 6,850 00 |
| Normal and Model School, Ottawa | 16,461 00 |
| Normal School, London..... | 14,800 00 |
| Additional Normal Schools | 200,000 00 |
| Deaf and Dumb Institute, Belleville..... | 11,775 00 |
| Institution for the Blind, Brantford..... | 11,880 00 |
| Ontario Agricultural College.... | 36,500 00 |
| Union Station Office and Immigration House | 800 00 |
| Fruit Experimental Station | 25,010 00 |
| Winter Fair Building (addition).. | 20,000 00 |

Districts :—

| | |
|------------------|-----------|
| Muskoka..... | 2,050 00 |
| Parry Sound..... | 8,800 00 |
| Algoma | 8,875 00 |
| Thunder Bay..... | 11,150 00 |
| Rainy River..... | 24,235 00 |
| Nipissing | 7,800 00 |
| Manitoulin | 5,783 00 |
| Sudbury | 54,000 00 |

| | | |
|---------------------------|-------|--------------|
| Total Public Buildings... | <hr/> | \$826,219 00 |
|---------------------------|-------|--------------|

PUBLIC WORKS.

| | |
|--|--------------|
| To defray expenses of Public Works | \$212,061 00 |
|--|--------------|

COLONIZATION

COLONIZATION AND MINING ROADS.

| | |
|--|--------------|
| To defray expenses of Construction and Repairs | \$509,485 00 |
|--|--------------|

CHARGES ON CROWN LANDS.

| | |
|--|--------------|
| To defray expenses on account of Crown Lands | \$559,760 39 |
|--|--------------|

REFUNDS.

| | |
|-----------------------------|-------------|
| Education | \$2,000 00 |
| Crown Lands | 22,242 82 |
| Land Improvement Fund | 3,439 71 |
| Miscellaneous | 15,000 00 |
| | <hr/> |
| | \$42,682 53 |

MISCELLANEOUS EXPENDITURE.

| | |
|--|----------------|
| To defray Miscellaneous Expenditure | \$469,500 00 |
| | <hr/> |
| Total Estimates for Expenditure of 1908 .. | \$7,908,106 31 |

SCHEDULE "B."

Sum granted to His Majesty by this Act for the year one thousand nine hundred and eight, and the purposes for which it is granted:—

| | |
|--|--------------|
| To defray the expenses of Legislation, Public Institutions' Maintenance, and for Salaries of the officers of the Government and Civil Service, and for other Services for the month of January, 1909 | \$250,000 00 |
|--|--------------|

| | |
|-------------|----------------|
| Total | \$8,158,106 31 |
|-------------|----------------|

CHAPTER 2.

An Act respecting Representation of the People
in the Legislative Assembly.*Assented to 14th April, 1908.*

HIS MAJESTY, by and with the advice and consent
of the Legislative Assembly of the Province of
Ontario, enacts as follows:—

Short Title.

1. This Act may be cited as *The Representation Act, 1908*.

Interpretation.

2. In this Act, unless the context otherwise requires:—

Electoral
district
defined.

(a) 'Electoral District' means a place entitled to return a member or members to the Legislative Assembly;

Counties.
Territorial
districts.

(b) Where counties and territorial districts are referred to they shall, unless otherwise provided in this Act, be deemed to be such counties and territorial districts respectively as constituted or defined by Chapter 3 of the Revised Statutes of Ontario, 1897, intituled *An Act respecting the Territorial Division of Ontario for Municipal and Judicial purposes*, and the Cities, Towns and Villages herein referred to are those mentioned in the statutes, by-laws or proclamations, describing or defining the said Cities, Towns or Villages for Municipal purposes.

Boundaries of
electoral dis-
tricts not af-
fected by
other changes.

(c) The boundaries of electoral districts as set out in Schedules "A" and "B" hereto shall not be affected by any alteration in Municipal boundaries, made after the passing of this Act.

Towns and
Villages not
expressly men-
tioned in
schedules.

(d) The electors entitled to vote in any Town or incorporated Village, not expressly included by Schedules "A" and "B" hereto within some Electoral District, and lying within the boundaries of two or more Electoral Districts shall be entitled to vote in the Electoral District in which they

they would have been so entitled, if such Town or Village had not become incorporated.

3. Unless where otherwise specially provided, all augmentations or gores of townships not specially mentioned in this Act, shall be considered as forming part of the Electoral District in which the principal part of such locality is situate.

Augmen-
tations or gores
of townships.

4. The several Cities which under this Act are entitled to elect a member or members to represent them respectively in the Legislative Assembly, shall not, for the purpose of representation in the Legislative Assembly, be deemed to form part of the Electoral Districts within the limits whereof they respectively lie.

Cities consti-
tuting electoral
districts not to
form part of
constituency
in which
they lie.

5. The Legislative Assembly of the Province of Ontario shall consist of One hundred and six members.

Number of
members.

6.—(1) The Province of Ontario shall for the purpose of representation in the Legislative Assembly be divided into electoral districts as enumerated and defined in or by Schedules "A" and "B" to this Act, and each of such electoral districts shall return one member to the Legislative Assembly, except the electoral districts of North, South, East and West Toronto.

Representa-
tion :
One member
for each
electoral dis-
trict except
Toronto.

(2) For each of the electoral districts of the City of Toronto, there shall be two seats in the Assembly, to be designated respectively as seat A and seat B and each of such districts shall be represented in the Assembly by two members, one to be elected for each seat.

Special pro-
visions as to
Toronto.

7. Every city, town, village, township or other place lying within the territorial limits of any electoral district not specially included in any other electoral district by Schedule "A" or "B" hereto shall form part of the electoral district in which it is situate.

Places not
specified.

8. The Acts and parts of Acts set forth in Schedule "C" to this Act are hereby repealed together with all other Acts or parts of Acts relating to representation in the Legislative Assembly.

Repeal.

9. This Act shall come into force and have effect, on, from and after the dissolution or end of the present Legislative Assembly, and not before.

Time when
Act shall come
in force.

SCHEDULE "A."

Being Cities, Counties, and Districts, each of which constitutes an Electoral District.

- (1) THE COUNTY OF DUFFERIN.
 - (2) THE COUNTY OF DUNDAS.
 - (3) THE COUNTY OF GLENGARRY.
 - (4) THE COUNTY OF GRENVILLE.
 - (5) THE COUNTY OF HALTON.
 - (6) THE CITY OF LONDON.
 - (7) THE DISTRICT OF MUSKOKA.
 - (8) THE DISTRICT OF PARRY SOUND.
 - (9) THE COUNTY OF PRESCOTT.
 - (10) THE COUNTY OF PRINCE EDWARD.
 - (11) THE COUNTY OF STORMONT.
-

SCHEDULE "B."

Being divisions of Cities, Counties, and Districts into Electoral Districts.

1. THE ELECTORAL DISTRICT OF THE COUNTY OF ADDINGTON to consist of the Townships of Camden, Sheffield, Hinchinbrooke, Kaladar, Kennebec, Olden, Oso, Anglesea, Barrie, Clarendon, Palmerston, Effingham, Abinger, Miller, North Canonto, South Canonto, Ashby and Denbigh, and the Village of Newburgh.
2. THE ELECTORAL DISTRICT OF ALGOMA to consist of parts of the Territorial Districts of Sudbury and Algoma, described as follows:—Commencing at the southeast angle of the Township of MacKinnon on the north shore of Lake Huron; thence due north astronomically along the east boundary of the Townships of MacKinnon, Hallam, Shakespeare, Dunlop, Bigelow and Township No. 113 to the northeast angle of the latter, a distance of 36 miles, more or less; thence due west astronomically along the north boundary of said Township No. 113, 6 miles, more or less, to the southwest angle of Township No. 114; thence due north astronomically along the west boundary of Township No. 114, and along the west boundary of Township No. 115, 12 miles, more or less, to the northwest angle thereof; thence continuing due north astronomically along O.L.S. David Beatty's meridian line 12 miles; thence due west astronomically 30 miles, more or less, to the 12th mile post on
O.L.S.

O.L.S. Niven's meridian line; thence north astronomically along said meridian line 18 miles; thence due west astronomically 66 miles, more or less, to O.L.S. Speight's meridian line; thence due south astronomically along said meridian line 30 miles, more or less, to the northwest angle of the Township of Whitman; thence due south astronomically along the west boundary of the Townships of Whitman and Chesley 10 miles 20 chains, more or less, to the north boundary of the Garden River Indian Reserve; thence due east astronomically along the north boundary of said Garden River Indian Reserve 3 miles 40 chains, more or less, to the northeast angle of said reserve; thence due south astronomically along the east boundary of said reserve 7 miles 40 chains, more or less, to the southeast angle thereof; thence due west astronomically 6 miles, more or less, to Echo River; thence down Echo River to Echo Bay of Lake George; thence southerly along the east shore of said bay and along the east shore of Lake George to Lake Huron; thence easterly along the north shore of Lake Huron to the place of beginning. To include all islands in Lake Huron lying north of the Judicial District of Manitoulin west of the southern prolongation of the east boundary of the Township of MacKinnon; also all islands north of the international boundary between the west end of Cockburn Island and a point due west of the mouth of Echo River; including also St. Joseph Island.

3. THE ELECTORAL DISTRICT OF NORTH BRANT to consist of the Townships of South Dumfries, Burford, Onondaga, Tuscarora, the northerly portion of the Township of Brantford, consisting of all that portion of the said Township which lies on the northerly side of the Grand River, and the Town of Paris.
4. THE ELECTORAL DISTRICT OF SOUTH BRANT to consist of the Township of Oakland, the southerly portion of the Township of Brantford, consisting of all that part of the said Township not included in the electoral district of North Brant, and the City of Brantford.
5. THE ELECTORAL DISTRICT OF BROCKVILLE to consist of the Town* of Brockville, the Townships of Elizabethtown, Kitley, South Elmsley, the Township called the Rear of Yonge and Escott, and the Village of Athens.

6. THE ELECTORAL DISTRICT OF CENTRE BRUCE to consist of the Townships of Greenock, Kincardine, Elderslie and Huron, the Towns of Kincardine and Chesley, and the Village of Paisley.
7. THE ELECTORAL DISTRICT OF NORTH BRUCE to consist of the Townships of St. Edmunds, Lindsay, Eastnor, Albemarle, Amabel, Arran, Saugeen and Bruce, the Towns of Wiarton and Southampton, and the Villages of Port Elgin, Tara, Tiverton and Hepworth.
8. THE ELECTORAL DISTRICT OF SOUTH BRUCE to consist of the Townships of Brant, Carrick, Culross and Kinloss, the Town of Walkerton, and the Villages of Lucknow and Teeswater.
9. THE ELECTORAL DISTRICT OF THE COUNTY OF CARLETON to consist of the Townships of Fitzroy, Goulburn, Gower North, Huntley, March, Marlborough, Nepean and Tarbolton, and the Village of Richmond.
10. THE ELECTORAL DISTRICT OF EAST DURHAM to consist of the Townships of Cavan, Manvers and Hope, the Town of Port Hope, and the Village of Millbrook.
11. THE ELECTORAL DISTRICT OF WEST DURHAM to consist of the Townships of Clarke, Darlington, and Cartwright, the Town of Bowmanville, and the Village of Newcastle.
12. THE ELECTORAL DISTRICT OF EAST ELGIN to consist of the Townships of Bayham, Malahide, Yarmouth, South Dorchester, the Town of Aylmer, and the Villages of Port Stanley, Springfield and Vienna.
13. THE ELECTORAL DISTRICT OF WEST ELGIN to consist of the Townships of Southwold, Dunwich, and Aldborough, the City of St. Thomas, and the Villages of Dutton, West Lorne and Rodney.
14. THE ELECTORAL DISTRICT OF NORTH ESSEX to consist of the Townships of Anderdon, Rochester, Maidstone, Sandwich East, Sandwich West, Sandwich South and Tilbury North, the City of Windsor, the Towns of Sandwich and Walkerville, and the Village of Belle River.
15. THE ELECTORAL DISTRICT OF SOUTH ESSEX to consist of the Townships of Mersea, Gosfield North, Gosfield South, Colchester North, Colchester South, Malden, Pelee and Tilbury West, and the Towns

Towns of Amherstburg, Essex, Kingsville and Leamington.

16. THE ELECTORAL DISTRICT OF FORT WILLIAM to consist of all that portion of the Territorial District of Thunder Bay, within the hereinafter described limits, that is to say:—Commencing at a point on the International boundary between the Province of Ontario and the United States of America where the same is intersected by the boundary line between the Territorial Districts of Thunder Bay and Rainy River, thence North astronomically along said district boundary to the North boundary of the Province of Ontario, thence northeasterly along said northern boundary of said Province to a point in the Albany River where the same is intersected by a line drawn due North astronomically from a point which is West astronomically 2 miles and 45 chains from the Northeast angle of lot 21, in the 6th concession of the Township of Ware, thence due South astronomically to said point, thence due east astronomically 2 miles, more or less, to the centre of Dog River, thence southerly down stream along the middle thread of Dog River to the North limit of the Township of Oliver, thence east astronomically along the North limit of the Township of Oliver, to the northeast angle thereof, thence south astronomically along the east limit of said Township of Oliver to the north limit of the Township of Paipoonge, thence east astronomically along the north limit of said Township of Paipoonge, and along the north limit of the Township of Neebing, to the west shore of Thunder Bay of Lake Superior, thence continuing due east astronomically 8 miles, more or less, to a point due north astronomically from the most easterly point on Pie Island in said Bay, thence due south astronomically 20 miles, more or less, to said International boundary, thence southwesterly along said International boundary to the mouth of the Pigeon River, thence, continuing westerly along said International boundary up Pigeon River to the west boundary of the Territorial District of Thunder Bay, or place of beginning.
17. THE ELECTORAL DISTRICT OF THE COUNTY OF FRONTENAC to consist of the Townships of Wolfe Island, Pittsburgh, Howe Island, Storrington, Loughboro, Portland, Kingston and Bedford, and the Village of Garden Island.

18. THE ELECTORAL DISTRICT OF CENTRE GREY to consist of the Townships of Osprey, Collingwood, Artemesia, Sullivan, Euphrasia and Holland, the Town of Thornbury, and the Villages of Chatsworth and Markdale.
19. THE ELECTORAL DISTRICT OF NORTH GREY to consist of the Townships of St. Vincent, Sydenham, Derby, Keppel and Sarawak, and the Towns of Owen Sound and Meaford.
20. THE ELECTORAL DISTRICT OF SOUTH GREY to consist of the Townships of Bentinck, Glenelg, Normanby, Proton and Egremont, the Towns of Durham and Hanover, and the Villages of Dundalk and Neustadt.
21. THE ELECTORAL DISTRICT OF THE COUNTY OF HALDIMAND to consist of the Townships of Oneida, Seneca, Cayuga North, Cayuga South, Rainham, Walpole and Dunn, and the Villages of Caledonia, Cayuga and Hagarsville.
22. THE ELECTORAL DISTRICT OF EAST HAMILTON to consist of that part of the City of Hamilton lying east of the centre line of Hughson Street and the said centre line produced southerly to the southerly limit of the said city.
23. THE ELECTORAL DISTRICT OF WEST HAMILTON to consist of that part of the City of Hamilton lying west of the centre line of Hughson Street and the said centre line produced southerly to the southerly limit of the said city.
24. THE ELECTORAL DISTRICT OF EAST HASTINGS to consist of the Townships of Thurlow, Tyendinaga, Huntingdon and Hungerford, the Town of Deseronto, and the Village of Tweed.
25. THE ELECTORAL DISTRICT OF NORTH HASTINGS to consist of the Townships of Rawdon, Elzevir, Madoc, Marmora, Lake, Tudor, Bangor, Carlow, Cashel, Dungannon, Faraday, Grims-
thorpe, Herschel, Limerick, Mayo, McClure, Monteagle, Wicklow, and Wollaston, and the Villages of Madoc, Marmora, Bancroft and Stirling.
26. THE ELECTORAL DISTRICT OF WEST HASTINGS to consist of the City of Belleville, the Township of Sydney, and the Town of Trenton.

27. THE ELECTORAL DISTRICT OF NORTH HURON to consist of the Townships of Howick, Morris, Turnberry, East Wawanosh, West Wawanosh, Ashfield, the Town of Wingham, and the Villages of Blyth and Wroxeter.
28. THE ELECTORAL DISTRICT OF SOUTH HURON to consist of the Townships of Tuckersmith, Hay, Stephen, Usborne, Stanley and Goderich, and the Villages of Exeter, Hensall and Bayfield.
29. THE ELECTORAL DISTRICT OF CENTRE HURON to consist of the Townships of Grey, McKillop, Hullett, Colborne, the Towns of Goderich, Seaforth and Clinton, and the Village of Brussels.
30. THE ELECTORAL DISTRICT OF KENORA to consist of that part of the Territorial District of Rainy River, described as follows:—Commencing at a point on the Northern boundary of the Province of Ontario near the East end of Lake Joseph where the same is intersected by the boundary between the Territorial Districts of Thunder Bay and Rainy River, thence due South astronomically along said boundary to the 48th mile post thereon in Latitude 49 degrees 0 minutes 6 seconds North, thence due West astronomically 89 miles 71 chains 7 links, more or less to the 18th mile post on Ontario Land Surveyor Alexander Niven's 6th meridian line, thence due North astronomically along said meridian line 6 miles to the 24th mile post thereon, thence due West astronomically 45 miles, more or less to the East shore of Sabascong Bay of the Lake of the Woods, thence Westerly and Southwesterly along the South shore of said Bay and along the West shore of said Lake to where the same is intersected by the 49th Parallel of Latitude, thence due West astronomically along said Parallel of Latitude 15 miles, more or less, to the International Boundary between the Province of Ontario and the United States of America, thence Northerly and Westerly along said Inter-national boundary to the Northwest angle of the Lake of the Woods on the Inter-provincial boundary between the Province of Ontario and the Province of Manitoba, thence due North astronomically along said provincial boundary to the Winnipeg River or the Northern boundary of the Province of Ontario, thence easterly and northeasterly along the Northern boundary
of

of said Province of Ontario to the Eastern boundary of the Territorial District of Rainy River or place of beginning.

31. THE ELECTORAL DISTRICT OF EAST KENT to consist of the Townships of Zone; Camden (with the Gore thereof), Orford, Howard, and Harwich, the Towns of Bothwell, Blenheim, Dresden and Ridgetown, and the Village of Thamesville.
32. THE ELECTORAL DISTRICT OF WEST KENT to consist of the Townships of Romney, East Tilbury, Raleigh, Dover East, Dover West, and Chatham, the City of Chatham, the Town of Wallaceburg, and the Village of Tilbury.
33. THE ELECTORAL DISTRICT OF KINGSTON to consist of the City of Kingston, and the Village of Portsmouth.
34. THE ELECTORAL DISTRICT OF EAST LAMBTON to consist of the Townships of Bosanquet, Warwick, Plympton, Brooke, and Euphemia, the Town of Forest, and the Villages of Alvinston, Arkona, Thedford, Wyoming, and Watford.
35. THE ELECTORAL DISTRICT OF WEST LAMBTON to consist of the Townships of Sombra, Dawn, Moore, Enniskillen, and Sarnia, the Towns of Sarnia and Petrolia, and the Villages of Oil Springs, Point Edward and Courtwright.
36. THE ELECTORAL DISTRICT OF NORTH LANARK to consist of the Townships of Beckwith, Dalhousie, Lanark, Ramsay, Lavant, Darling, and Pakenham, the Towns of Almonte and Carleton Place, and the Village of Lanark.
37. THE ELECTORAL DISTRICT OF SOUTH LANARK to consist of the Townships of Montague, Elmsley North, Burgess North, Sherbrooke South, Sherbrooke North, Drummond, Bathurst, and the Towns of Perth and Smith's Falls.
38. THE ELECTORAL DISTRICT OF THE COUNTY OF LEEDS to consist of the Township called the Front of Leeds and Lansdowne, the Township called the Rear of Leeds and Lansdowne, the Townships of South Crosby, North Crosby, the United Townships of Bastard and South Burgess, the Township called the Front of Yonge, and the Township called the Front of Escott, the Town of Gananogue, and the Villages of Newboro and Westport.

39. THE ELECTORAL DISTRICT OF THE COUNTY OF LEN-
NOX to consist of the Townships of Richmond,
Adolphustown, North Fredericksburgh, South
Fredericksburg, Ernestown and Amherst Island,
the Town of Napanee, and the Village of
Bath.
40. THE ELECTORAL DISTRICT OF THE COUNTY OF LIN-
COLN to consist of the Townships of Clinton,
Grantham, Grimsby South, Grimsby North,
Louth and Niagara, the City of St. Catharines,
The Town of Niagara, and the Villages of
Beamsville, Grimsby, Merritton, and Port Dal-
housie.
41. THE ELECTORAL DISTRICT OF MANITOULIN to con-
sist of the Great Manitoulin Islands, Cockburn
Island and other islands in the Georgian Bay,
at present forming part of the Territorial Dis-
trict of Manitoulin, and that portion of the pre-
sent Territorial District of Manitoulin on the
mainland, and part of the Territorial District of
Sudbury, described as follows, that is to say:
Commencing at the southeast angle of the Town-
ship of Mackinnon, on the north shore of Lake
Huron, thence north astronomically along the
east boundary of the Townships of Mackinnon,
Hallam, Shakespeare, Dunlop and Bigelow, to
the northeast angle of the latter, a distance of
30 miles, more or less, thence due east astro-
nomically along the north boundary of the
Townships of Vernon and Totten, 12 miles, more
or less, to the northeast angle of the latter,
thence south astronomically along the east
boundary of the Townships of Totten and
Hyman, 12 miles, more or less, to the southeast
angle of the latter, thence east astronomically
along the south boundary of the Townships of
Drury, Denison, Graham and Waters, 24 miles,
more or less, to the northeast angle of Township
No. 69, thence due south astronomically along
the east boundary of Townships numbered 69,
68 and 67, 18 miles, more or less, to the north-
east angle of the Township of Humboldt, thence
due west astronomically along the north bound-
ary of the Townships of Humboldt and Carlyle
and along the south boundary of Townships
numbered 82 and 90 to P. L. Surveyor Salter's
second meridian line, thence due south astro-
nomically along said meridian line, one mile,
more or less, to the water's edge of Lake Huron,
thence westerly along the north shore of said
lake to the southeast angle of the Township of
Mackinnon,

Mackinnon, or place of beginning, and to include also all the islands in Lake Huron and the Georgian Bay of said lake lying between the southeast angle of the Township of Humboldt and the southeast angle of the Township of Mackinnon, not included in the Provisional Judicial District of Manitoulin.

42. THE ELECTORAL DISTRICT OF EAST MIDDLESEX to consist of the Townships of West Nissouri, North Dorchester, Westminster and London.
43. THE ELECTORAL DISTRICT OF NORTH MIDDLESEX to consist of the Townships of McGillivray, Biddulph, Williams East, Williams West, Adelaide and Metcalfe, the Towns of Parkhill and Strathroy, and the Villages of Ailsa Craig and Lucan.
44. THE ELECTORAL DISTRICT OF WEST MIDDLESEX to consist of the Townships of Delaware, Caradoc, Mosa, Lobo, and Ekfrid, and the Villages of Glencoe, Newbury and Wardsville.
45. THE ELECTORAL DISTRICT OF MONCK to consist of the Townships of Canborough, Moulton, Sherbrooke, Caistor, Gainsborough, Pelham and Wainfleet, and the Town of Dunnville.
46. THE ELECTORAL DISTRICT OF NIPISSING to consist of the following Townships in the Territorial Districts of Nipissing and Renfrew:—Head, Bronson, Stratton, Master, Maria, Edgar, Barron, Guthrie, Clara, Fitzgerald, White, Niven, Clancey, Dickens, Cameron, Deacon, Anglin, Dickson, Preston, Murchison, Lyell, Papineau, Boyd, Lister, Freswick, Bower, Sproule, Airy, Sabine, Calvin, Lauder, Pentland, Osler, Bishop, McLaughlin, Canisbay, Bonfield, Boulter, Wilks, Biggar, Devine, Hunter, Peck, Ferris, Chisholm, Ballantyne, Paxton, Butt, McCraney, Finlayson, Mattawan, Orlig, Phelps, Widdifield, part of Indian Reserve on the North shore of Lake Nipissing South of the Township of Blyth, Antone, the unnamed Township East of the Township of French, French, Mulock, Merrick, Eddy, the unnamed Township West of Eddy, Lockhart, Stewart, Poitras, the unnamed Township West of Poitras, Garrow, Osborne, Wyse, and the two unnamed Townships to the West of Wyse, also the Townships of Blyth, Notman, Hammell,

mell, and the unsurveyed Township to the north of Hammell, also the Towns of North Bay, Mattawa and Bonfield.

47. THE ELECTORAL DISTRICT OF NORTH NORFOLK to consist of the Townships of Middleton, Towns- end and Windham, the Town of Simcoe, and the Villages of Waterford and Delhi.
48. THE ELECTORAL DISTRICT OF SOUTH NORFOLK to consist of the Townships of Charlotteville, Houghton, Walsingham South, Walsingham North and Woodhouse, with the Gore thereof, and the Villages of Port Dover and Port Rowan.
49. THE ELECTORAL DISTRICT OF EAST NORTHUMBER- LAND to consist of the Townships of Cramahe, Brighton, Murray, Seymour, and Percy, the Town of Campbellford, and the Villages of Brighton, Colborne and Hastings.
50. THE ELECTORAL DISTRICT OF WEST NORTHUMBER- LAND to consist of the Townships of Hamilton, Haldimand, Alnwick and South Monaghan, and the Town of Cobourg.
51. THE ELECTORAL DISTRICT OF NORTH ONTARIO to consist of the Townships of Uxbridge, Brock, Scott, Thorah, Mara, and Rama, the Town of Uxbridge, and the Villages of Beaverton and Cannington.
52. THE ELECTORAL DISTRICT OF SOUTH ONTARIO to consist of the Townships of Whitby, East Whitby, Reach, Scugog and Pickering, the Towns of Whitby and Oshawa, and the Village of Port Perry.
53. THE ELECTORAL DISTRICT OF EAST OTTAWA to consist of Rideau, Ottawa, By, and St. George's Wards.
54. THE ELECTORAL DISTRICT OF WEST OTTAWA to consist of Central, Wellington, Dalhousie and Victoria Wards.
55. THE ELECTORAL DISTRICT OF NORTH OXFORD to con- sist of the Townships of East Nissouri, East Zorra, West Zorra, Blandford and Blenheim, the City of Woodstock, and the Village of Eimbro.
56. THE ELECTORAL DISTRICT OF SOUTH OXFORD to con- sist of the Townships of North Oxford, West Oxford, East Oxford, North Norwich South
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Norwich and Dereham, the Towns of Ingersoll and Tillsonburg, and the Village of Norwich.

57. THE ELECTORAL DISTRICT OF THE COUNTY OF PEEL to consist of the Townships of Albion, Caledon, Chinguacousy, Toronto and the Gore of Toronto, the Town of Brampton, and the Villages of Streetsville and Bolton.
58. THE ELECTORAL DISTRICT OF NORTH PERTH to consist of the Townships of Wallace, Elma, Ellice, Morningson and North Easthope, the City of Stratford, the Town of Listowel, and the Village of Milverton.
59. THE ELECTORAL DISTRICT OF SOUTH PERTH to consist of the Townships of Blanchard, Downie, South Easthope, Fullarton, Logan and Hibbert, and the Towns of Mitchell and St. Mary's.
60. THE ELECTORAL DISTRICT OF EAST PETERBOROUGH to consist of the Townships of Otonabee, Douro, Asphodel, Dummer, Belmont, Methuen, Burleigh, Anstruther and Chandos, and the Villages of Havelock, Norwood and Lakefield.
61. THE ELECTORAL DISTRICT OF WEST PETERBOROUGH to consist of the Townships of North Monaghan, Smith, Ennismore, Harvey, Galway and Cavendish, and the City of Peterborough.
62. THE ELECTORAL DISTRICT OF PORT ARTHUR to consist of all that portion of the Territorial District of Thunder Bay, within the hereinafter described limits, that is to say:—Commencing at a point in Lake Superior, on the International Boundary between the Province of Ontario and the United States of America where the said International Boundary is intersected by the boundary between the Territorial Districts of Thunder Bay and Algoma, in longitude 85 degrees 20 minutes west; thence due north astronomically along said meridian line to the north boundary of the Province of Ontario in the Albany River; thence westerly up stream along the northern boundary of said Province to a point which is due north astronomically from a point which is west astronomically 2 miles 45 chains from the northeast angle of lot 21, in the 6th concession of the Township of Ware; thence due south astronomically to said point; thence due east astronomically 2 miles more or less to the centre of Dog River; thence southerly down stream along

along the middle thread of said river to the north limit of the Township of Oliver; thence east astronomically along the north limit of the Township of Oliver to the northeast angle thereof; thence south astronomically along the east limit of the said Township of Oliver to the north limit of the Township of Paipoonge; thence east astronomically along the north limit of the said Township of Paipoonge, and along the north limit of the Township of Neebing to the west shore of Thunder Bay of Lake Superior; thence continuing due east astronomically 8 miles more or less to a point due north astronomically from the most easterly point on Pie Island in said Bay; thence due south astronomically 20 miles more or less to said International Boundary; thence northeasterly and southeasterly along said International Boundary to the place of beginning; to include also Township No. 67 at White River Station, on the Canadian Pacific Railway in the Territorial District of Algoma; also that portion of Township No. 68, lying east of the Territorial Boundary between the Districts of Algoma and Thunder Bay.

63. THE ELECTORAL DISTRICT OF RAINY RIVER to consist of that part of the Territorial District of Rainy River, described as follows:—Commencing where the boundary line between the Districts of Rainy River and Thunder Bay intersects the International Boundary between the Province of Ontario and the United States of America, in Seiganagonse Lake; thence due North astronomically along said district boundary to the forty-eighth mile post thereon in Latitude 49 degrees 0 minutes 6 seconds North; thence due West astronomically 89 miles 71 chains 7 links, more or less to the eighteenth mile post on Ontario Land Surveyor Alexander Niven's 6th meridian line; thence due North astronomically along said meridian line 6 miles to the twenty-fourth mile post thereon; thence due West astronomically 45 miles, more or less, to the East shore of Sabascong Bay of the Lake of the Woods; thence westerly and southwesterly along the South shore of said Bay and along the East shore of the Lake of the Woods to where the same is intersected by the 49th Parallel of Latitude; thence due west astronomically 15 miles to said International Boundary; thence southerly along said International Boundary to the

the mouth of the Rainy River; thence southeasterly and easterly up Rainy River along said International Boundary to Rainy Lake; thence easterly, southerly and southeasterly following the said International Boundary through Rainy Lake and the several lakes and rivers forming the International Boundary, to the place of beginning.

64. THE ELECTORAL DISTRICT OF NORTH RENFREW to consist of the Townships of Ross, Bromley, Westmeath, Stafford, Pembroke, Wilberforce, Alice, Petawawa, Buchanan, South Algona, North Algona, Fraser, McKay, Wylie and Rolph, the Town of Pembroke, and the Village of Cobden.
65. THE ELECTORAL DISTRICT OF SOUTH RENFREW to consist of the Townships of McNab, Bagot, Blithfield, Brougham, Horton, Admaston, Grattan, Matawatchan, Griffith, Lyndoch, Raglan, Radcliffe, Brudenell, Sebastopol, Hagarty, Richards, Sherwood, Burns and Jones, the Towns of Arnprior and Renfrew, and the Village of Eganville.
66. THE ELECTORAL DISTRICT OF THE COUNTY OF RUSSELL to consist of the Townships of Cambridge, Clarence, Cumberland, Gloucester, Osgoode and Russell, and the Villages of Casselman and Rockland.
67. THE ELECTORAL DISTRICT OF SAULT STE. MARIE to consist of that part of the Territorial District of Sudbury, described as follows:—Commencing at the mouth of Echo River on the Garden River Indian Reserve; thence due west astronomically to the International Boundary between the Province of Ontario and the United States of America; thence northerly, westerly and northwesterly along said International Boundary to where the same is intersected by the boundary between the Territorial Districts of Sudbury and Algoma in longitude 85 degrees 20 minutes west; thence due north astronomically 70 miles, more or less to the northwest angle of Township No. 33, Range 26, which point is 23 miles north of the North Shore of Lake Superior; thence due east astronomically along the north boundary of Townships No. 33, No. 32, No. 31, No. 30, No. 29, No. 28, No. 27 and No. 26 in Range 26, 49 miles more or less to the northeast angle of the latter;

latter; thence due south astronomically along the east boundary of Township No 26 in Ranges 26 and 25, 12 miles, to the northwest angle of Township No. 25, in Range 24; thence due east astronomically along the north boundary of Townships No. 25, No. 24 and No. 40, in Range 24, 14 miles, more or less, to Ontario Land Surveyor T. B. Speight's Meridian Line; thence due south astronomically along said Meridian Line 90 miles, more or less, to the northwest angle of the Township of Whitman; thence due south astronomically along the west boundary of the Townships of Whitman and Chesley, 10 miles 20 chains, more or less, to the north boundary of Garden River Indian Reserve; thence due east astronomically along the north boundary of said Garden River Indian Reserve, 3 miles 40 chains, more or less, to the northeast angle thereof; thence due south astronomically along the east boundary of said Garden River Indian Reserve, 7 miles 40 chains, more or less to the southeast angle thereof; thence due west astronomically along the south limit thereof, 6 miles, more or less, to Echo River; thence down Echo River to Echo Bay of Lake George, to the place of beginning.

68. THE ELECTORAL DISTRICT OF CENTRE SIMCOE to consist of the Townships of Tiny, Vespra, Flos and Sunnidale, and the Town of Barrie.
69. THE ELECTORAL DISTRICT OF EAST SIMCOE to consist of the Townships of Tay, Orillia North, Orillia South, Matchedash, Medonte and Oro, and the Towns of Orillia, Penetanguishene and Midland.
70. THE ELECTORAL DISTRICT OF WEST SIMCOE to consist of the Townships of Tosorontio, Essa and Nottawasaga, the Towns of Collingwood, Stayner and Alliston, and the Village of Creemore.
71. THE ELECTORAL DISTRICT OF SOUTH SIMCOE to consist of the Townships of Adjala, Tecumseth, Innisfil and West Gwillimbury, and the Villages of Beeton, Bradford and Tottenham.
72. THE ELECTORAL DISTRICT OF STURGEON FALLS to consist of the following Townships in the Territorial Districts of Nipissing and Sudbury:—
Charlton, Lyman, Gladman, the unsurveyed
Township

Township to the north of Gladman, Grant, Fell, McLaren, the unsurveyed Township to the north of McLaren, Bertram, Springer, Field, Bastedo, Thistle, McCallum, Latchford, Caldwell, Badgerow, Gibbons, McWilliams, Hobbs, Falconer, Loudon, McPherson, Kirkpatrick, Hugel, Crerar, Dana, Pardo, Scollard, Martland, Haddo, Casimir, Dunnet, Ratter, Henry, Janes, McNish, Mason, Cosby, Cherriman, Jennings, Appelby, Bigwood, Delamere, Hoskin, Hendrie, Allen, Cox, Servos, Burwash, the unsurveyed Township South of the Township of Waldie, Waldie, Laura, Secord, the unsurveyed Township South of Township No. 59, Township No. 59, Township No. 60, Tilton, also that portion of the Indian Reserve on the North shore of Lake Nipissing lying South of the Townships of Charlton and Grant, also the islands in the French River and in that portion of Lake Nipissing within the Territorial Districts of Nipissing and Sudbury, lying west of the Southerly prolongation of the west limit of the Township of Blyth, also the Towns of Sturgeon Falls and Cache Bay.

73. THE ELECTORAL DISTRICT OF SUDBURY to consist of those parts of the Judicial Districts of Sudbury and Algoma within the hereinafter described limits, that is to say: Commencing on the south shore of James Bay where the same is intersected by the boundary line between the Territorial Districts of Nipissing and Sudbury, thence due south astronomically along said territorial boundary to the northwest angle of the Township of Creelman, thence due east astronomically along the north boundary of the said township, 6 miles, more or less, to the northeast angle thereof, thence due south astronomically along the east boundary of said township 6 miles, more or less, to the northwest angle of the Township of Parkin, thence due east astronomically along the north boundary of the Townships of Parkin, Aylmer, Mackelcan and McCarthy to the northeast angle of the latter, a distance of 25 miles, more or less, thence due south astronomically along the east boundary of the Townships of McCarthy, Kelly, Davis, Loughrin, and Hagar to the southeast angle of the latter, a distance of 30 miles, more or less, thence due west astronomically along the south boundary of the Township of Hagar, 7 miles,
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more or less, to the northeast angle of the Township of Hawley, thence due south astronomically along the east boundary of the Township of Hawley, 6 miles, more or less, to the southeast angle thereof, thence due west astronomically along the south boundary of the Townships of Hawley, Cleland, Dill, Broder, Waters, Graham, Denison and Drury, a distance of 48 miles, more or less, to the southwest angle of the latter, thence due north astronomically along the west boundary of the Townships of Drury and Trill, a distance of 12 miles, more or less, to the southeast angle of the Township of Ermatinger, thence due west astronomically along the south boundary of the Township of Ermatinger and Township No. 107, to the southwest angle of the latter, thence due north astronomically along the west boundary of Township No. 107 to the southeast angle of Township No. 114, thence due west astronomically along the south boundary of Township No. 114, 6 miles, more or less, to the southwest angle thereof, thence due north astronomically along the west boundary of Townships No. 114 and No. 115, 12 miles, more or less, to the northwest angle of the latter, thence continuing due north astronomically along Ontario Land Surveyor David Beatty's meridian line, 12 miles, thence due west astronomically, 30 miles, more or less, to the 12th mile post on Ontario Land Surveyor Alexander Niven's meridian line, thence north astronomically along said meridian line, 18 miles, thence due west astronomically, 66 miles, more or less, to Ontario Land Surveyor T. B. Speight's meridian line, thence due north astronomically along said meridian line, 60 miles, more or less, to the north limit of Township No. 40, thence due west astronomically along the north boundary of Townships No. 40, No. 25, and No. 24, in Range 24, 14 miles, more or less, to the southwest angle of Township No. 25, Range 25, thence due north astronomically, 12 miles, more or less, along the west limit of Township No. 25, in Ranges 25 and 26, thence due west astronomically along the north boundary of Townships No. 26, No. 27, No. 28, No. 29, No. 30, No. 31, No. 32 and No. 33, 49 miles, more or less, to the boundary between the Judicial Districts of Sudbury and Algoma, in Longitude 85 degrees 20 minutes west, thence due north astronomically along the said District boundary

boundary to the north boundary of the Province of Ontario, in the Albany River, thence down stream southeasterly and northeasterly along the northern boundary of said Province of Ontario, to the place of beginning, excepting, nevertheless, Township No. 67, at White River Station on the Canadian Pacific Railway, also that portion of Township No. 68 to the west of Township No. 67, lying east of the territorial boundary between the Districts of Algoma and Thunder Bay.

74. THE ELECTORAL DISTRICT OF TEMISKAMING to consist of all that portion of the Territorial District of Nipissing, within the herein-after described limits:—Commencing at a point about seven miles North from the foot of Lake Temiscaming, on the Inter-provincial boundary between the Provinces of Ontario and Quebec, where the same is intersected by the Easterly production of the North boundary of the Township of Wyse, thence due west astronomically $59\frac{3}{4}$ miles, more or less, to the Northwest angle of the Township of McNish, thence North astronomically along the East limit of the Township of McCarthy, 6 miles, more or less, to the Northeast angle thereof; thence West astronomically along the North boundary of the Townships of McCarthy, Mackelcan, Aylmer and Parkin, 25 miles more or less to the Northwest angle of the latter, thence North astronomically along the East limit of the Township of Creelman, 6 miles more or less, to the Northeast angle thereof, thence West astronomically along the North limit thereof 6 miles, more or less to the boundary between the Territorial Districts of Nipissing and Algoma, thence North astronomically along said boundary to the South shore of James Bay, thence Southeasterly, Easterly and Northeasterly along the South shore of said Bay to where the same is intersected by the Inter-provincial Boundary between the Provinces of Ontario and Quebec, thence South astronomically along said Inter-provincial Boundary, to the head of Lake Temiscaming, thence Southerly through Lake Temiscaming, along said Inter-provincial Boundary to the place of beginning.

75. THE ELECTORAL DISTRICT OF EAST TORONTO to consist of the present Ward No. 1 of the City of
Toronto,

Toronto, and that part of the present Ward No. 2 lying south of the centre line of Carlton Street and east of the centre line of Sherbourne Street, and also that part of the City of Toronto known as "Toronto Island."

76. THE ELECTORAL DISTRICT OF NORTH TORONTO to consist of all that part of the City of Toronto lying north of the centre line of Carlton Street and College Street, bounded on the east by the centre line of Sumach Street and the said line produced northerly to the north boundary of the City, and on the west by the centre line of Palmerston Avenue.
77. THE ELECTORAL DISTRICT OF SOUTH TORONTO to consist of those parts of the present Wards Nos. 2, 3, 4 and 5 of the City of Toronto lying south of the centre line of Carlton Street and College Street and bounded on the east by the centre line of Sherbourne Street, and on the west by the centre line of Palmerston Avenue and the centre line of Tecumseth Street and said centre line produced southerly to the Bay.
78. THE ELECTORAL DISTRICT OF WEST TORONTO to consist of that part of the City of Toronto lying west of the centre lines of Palmerston Avenue and Tecumseth Street and the centre line of Tecumseth Street produced southerly to the bay, being that portion of the city not included in the other three electoral divisions.
79. THE ELECTORAL DISTRICT OF EAST VICTORIA to consist of the Townships of Emily, Fenelon, Bexley, Laxton, Digby, Longford, Somerville and Verulam, the Villages of Omemee, Fenelon Falls, Bobcaygeon and Sturgeon Point, and all the municipalities included in the Provisional County of Haliburton.
80. THE ELECTORAL DISTRICT OF WEST VICTORIA to consist of the Townships of Ops, Mariposa, Eldon, Carden and Dalton, the Town of Lindsay, and the Village of Woodville.
81. THE ELECTORAL DISTRICT OF NORTH WATERLOO to consist of the northerly portion, hereinafter described, of the Township of Waterloo, the Townships of Woolwich and Wellesley, the Towns of Berlin and Waterloo, and the Village of Elmira.

The

The said northerly portion of the Township of Waterloo shall include and consist of that part of the said Township lying within the following limits, that is to say: Commencing at the south-west angle of lot number forty-six in the said Township; thence easterly along the southerly limits of the said lot, and of lots numbers forty-seven, forty-eight, fifty, fifty-one, and fifty-three, and the prolongation thereof, to the middle of the Grand River; thence along the middle of the said river, against the stream, to the prolongation of the limit between lots numbers one hundred and thirteen and one hundred and fourteen, and along the prolongation of the said limit, and along the said limit between the said lots numbers one hundred and thirteen and one hundred and fourteen, northerly and easterly, to the westerly limit of lot one hundred and seven; thence along the westerly limit of the said lot number one hundred and seven, northerly to the northerly limit thereof; thence along the northerly limits of the said lot number one hundred and seven, and of lots numbers one hundred and six, eighty-four and ninety-six, easterly, to the easterly boundary of the said Township; thence along the easterly, northerly and westerly boundaries of the said Township, in a northerly, westerly and southerly direction, respectively, to the place of beginning. R.S.O. 1897, c. 6, s. 14 (23).

82. THE ELECTORAL DISTRICT OF SOUTH WATERLOO to consist of the southerly portion of the said Township of Waterloo, being all that part of the said Township not included in the Electoral District of North Waterloo, the Townships of North Dumfries and Wilmot, the Towns of Galt, Preston and Hespeler, and the Villages of Ayr and New Hamburg.

83. THE ELECTORAL DISTRICT OF THE COUNTY OF WELLAND to consist of the Townships of Bertie, Crowland, Humberstone, Stamford, Thorold and Willoughby, the City of Niagara Falls, the Towns of Thorold and Welland, and the Villages of Bridgeburg, Chippewa, Fort Erie, and Port Colborne.

84. THE ELECTORAL DISTRICT OF EAST WELLINGTON to consist of the Townships of Arthur, Nichol, Erin, West Garafraxa and West Luther, the Town of Mount Forest, and the Villages of Erin, Fergus and Elora.

85. THE ELECTORAL DISTRICT OF SOUTH WELLINGTON to consist of the Townships of Guelph, Puslinch, Pilkington and Eramosa, and the City of Guelph.
86. THE ELECTORAL DISTRICT OF WEST WELLINGTON to consist of the Townships of Minto, Maryborough and Peel, the Towns of Harriston and Palmerston, and the Villages of Arthur, Clifford and Drayton.
87. THE ELECTORAL DISTRICT OF NORTH WENTWORTH to consist of the Townships of Beverly, Flamborough West, Flamborough East, the Town of Dundas, and the Village of Waterdown.
88. THE ELECTORAL DISTRICT OF SOUTH WENTWORTH to consist of the Townships of Saltfleet, Binbrook, Glanford, Barton and Ancaster.
89. THE ELECTORAL DISTRICT OF EAST YORK to consist of the Townships of Markham and Scarborough, that portion of the Township of York lying east of Yonge Street, the Towns of East Toronto and North Toronto, and the Villages of Markham, Richmond Hill and Stouffville.
90. THE ELECTORAL DISTRICT OF NORTH YORK to consist of the Townships of King, Whitchurch, Georgina, East Gwillimbury and North Gwillimbury, the Towns of Aurora and Newmarket, and the Villages of Holland Landing and Sutton West.
91. THE ELECTORAL DISTRICT OF WEST YORK to consist of the Townships of Etobicoke and Vaughan and that portion of the Township of York lying west of Yonge Street, the City of West Toronto, and the Villages of Weston and Woodbridge.

SCHEDULE "C."

ENACTMENTS REPEALED.

Revised Statutes of Ontario (1897), Chapter 6. The Whole Act.

61 Victoria (1898), Chapter 5, Section 6.

63 Victoria (1900), Chapter 17, Section 1.

2 Edward VII. (1902), Chapter 4. The Whole Act.

CHAPTER

CHAPTER 3.

An Act respecting Elections of Members of the
Legislative Assembly.*Assented to 14th April, 1908.*

MISCELLANEOUS.

SHORT TITLE, s. 1.
 INTERPRETATION, s. 2.
 CLERK OF THE CROWN IN CHANCERY, s. 3.
 IRREGULARITIES IN CONDUCT OF ELECTION, s. 4.
 ELECTION INTERRUPTED, s. 5.
 OATHS AND AFFIDAVITS, s. 6.
 AGENTS, ss. 7-9.
 Certain persons disqualified, s. 7.
 Candidate may undertake duties, s. 8.
 Expressions referring to, s. 9.
 Absence of, not to affect validity of proceedings, s. 9.
 NON-LIABILITY OF PERSONS NOMINATED WITHOUT CONSENT, s. 10.
 CANDIDATES—WHO MAY BE, s. 11.

QUALIFICATION OF VOTERS.

WHO SHALL NOT VOTE, ss. 12-15.
 WHO MAY BE ENTERED ON LISTS, ss. 16-23.
 Entered on voters' lists, s. 16.
 On Manhood Suffrage Registration lists, s. 17.
 In territory without municipal organization, s. 18.
 Finality of lists, s. 19.
 Clergymen and Teachers, s. 20.
 Temporary absence, s. 21.
 Domicile, s. 22.
 Indians, s. 23.

PROCEEDINGS PRELIMINARY TO ELECTIONS.

ELECTIONS, s. 24.
 Lieutenant-Governor in Council to fix date, s. 24 (1).
 Date to be the same in all electoral districts, s. 24 (2).
 Writ to be dated on same day, s. 24 (3).
 PAPERS AND FORMS TO BE SENT BY CLERK OF CROWN IN CHANCERY TO RETURNING OFFICERS, FORMS, ETC.
 NOTICE OF SECRECY, s. 25 (1), (2).
 FORMS, s. 25 (3).
 POLL BOOKS—WHAT TO CONTAIN, s. 26.
 COPIES OF ACT TO BE SUPPLIED, s. 27.
 RETURNING OFFICERS, ss. 28-34.
 Appointment of, ss. 28, 29.
 Refusal or incapacity to act, ss. 30, 31.
 Who disqualified, s. 32.
 Who exempt, s. 33.
 Penalty for refusal to act, s. 34.
 PROCEEDINGS ON RECEIPT OF WRIT, ss. 35-55.
 Endorsement of date of receipt, s. 35.
 Oath of Returning Officer, s. 36.
 Proclamation, ss. 37-40.
 Place of nomination, s. 38.
 Unforeseen delays, s. 41.
 Pelee Island and Amherst Island, s. 42.
 ELECTION CLERK, ss. 43-47.
 BALLOT BOXES, ss. 48-52.
 POLLING SUBDIVISIONS, s. 53.
 POLLING PLACES, ss. 54-55.

NOMINATION.

NOMINATION.

- PROCEDURE AT, s. 56.
- GRANTING A POLL, s. 57.
- ELECTION BY ACCLAMATION, s. 58.
- ANNOUNCEMENT OF OFFICIAL AGENT, s. 59.
- WITHDRAWAL OF CANDIDATE, s. 60.
- DEATH OF CANDIDATE, s. 61.
- PROCLAMATION OF NAME OF RETURNING OFFICER, s. 62.

POLLING.

- PROCEEDINGS PRELIMINARY TO, ss. 63-90.
- DEPUTY RETURNING OFFICERS, ss. 63-66.
- POLLING PLACES IN THE DISTRICTS, ss. 67, 68.
- MATERIALS FOR DEPUTY RETURNING OFFICER, s. 69.
- BALLOT PAPERS, ss. 70-72.
- CERTIFICATES AS TO ASSESSMENT ROLL, s. 73.
- VOTERS' LISTS, ss. 74-78.
- PREPARATION OF POLLING LISTS BY CLERK OF THE PEACE, ss. 79, 81.
- POLL CLERKS, ss. 82-86.
- CONSTABLES, s. 87.
- WHERE VOTERS TO VOTE, ss. 88-90.
- Persons acting as deputy returning officers, poll clerks and agents, ss. 89, 90.
- THE POLL, ss. 91-112.
- Hours of voting, s. 91.
- Voting to be by ballot, s. 91.
- Counting ballots before opening poll, s. 92.
- Box to be shown empty and then locked and sealed, s. 93.
- One voter only for each compartment, s. 94.
- Procedure on voter presenting himself, ss. 95-100.
- Oaths of voters, s. 95.
- Administering oaths, ss. 96, 97.
- Entries to be made in poll book, s. 98.
- Voter refusing to be sworn, s. 99.
- Deputy to initial ballot paper and counterfoil, s. 100.
- Instructing voter, s. 101.
- Voters incapacitated by blindness, etc., s. 102.
- Interpreter,—employment of where voter cannot speak English, s. 103.
- Mode of marking, folding and depositing ballot paper, s. 104.

- Voter to leave polling place as soon as possible, s. 105.
- Exclusion from balloting compartment, s. 106.
- Voter not to take ballot paper from polling place, s. 107.
- Voter who applies after another has voted in same name, s. 108.
- Inadvertently spoiling ballot paper, s. 109.
- When voter to be deemed to have voted, s. 110.
- Who may be present during polling, s. 111.
- Right of voter to absent himself from employment to vote, s. 112.
- PROCEEDINGS AFTER CLOSE OF POLL, ss. 113-123.
- Duties of deputy returning Officer, s. 113.
- What ballot papers to be rejected, s. 114.
- Objections to be noted, s. 115.
- Mode of counting, s. 116 (1).
- Disposition of ballots after counting, s. 116 (2).
- Statement of deputy returning officer as to result, s. 117.
- Poll book, parcels of ballots, etc., to be placed in large envelope, s. 118.
- Oath of deputy returning officer and poll clerk, s. 119.
- Ballot box to be locked and sealed and returned to returning officer, s. 120.
- Oath of deputy returning officer, s. 120 (2).
- Duty of returning officer on receipt of ballot box, s. 121.
- Count by returning officer and declaration of result, s. 122.
- Casting vote, s. 123.
- PROCEEDINGS IN CASE OF NON-DELIVERY OF BALLOT BOXES, ETC., TO RETURNING OFFICER, ss. 124-129.
- Adjournment of proceedings by returning officer, ss. 124, 125.
- Enquiry by returning officer, ss. 126, 127.
- Ascertaining result by other means, s. 128.
- Special report by returning officer, s. 129.
- RECOUNT OF BALLOTS, ss. 130-143.
- When to be had, s. 130 (1).
- Deposit to be made by applicant, s. 130 (1).

What

What judge to hear when district is in more than one county, s. 130 (2).
 Notice of, s. 131.
 Returning officer not to make return pending, s. 132.
 Summoning officers to be present, ss. 133, 134 (1).
 Production and custody of ballot papers, s. 134 (2).
 Who may be present, s. 135.
 How judge to proceed, s. 136.
 Proceedings to be continuous, s. 137 (1).
 Care of documents, s. 137 (2).
 Rules governing procedure, s. 138.
 Sealing up ballots at close of recount, s. 139.
 Marking disputed ballots, 139 (2).
 Reviewing decision of returning officer when ballot papers, etc., lost, s. 140.
 When judge to certify result, s. 141 (1), (2).
 Casting vote, if judge certifies equality of votes, s. 141 (3).
 Costs, ss. 142, 143.
 Appeal,—notice of and procedure thereon, s. 144.
 RETURN.—WHEN AND HOW MADE, ss. 145, 146.
 Oath of returning officer, s. 146 (4).
 Failure to make return, s. 147.
 Notice of in Ontario Gazette, s. 148.
 CUSTODY OF ELECTION PAPERS AFTER RETURN, s. 149.
 INSPECTION OF DOCUMENTS AND BALLOT PAPERS, ss. 150-152.

PRESERVATION OF THE PEACE.

CONSERVATORS OF THE PEACE—WHO TO BE, s. 153.
 JUSTICES OF THE PEACE AND CONSTABLE, s. 154.
 SPECIAL CONSTABLES, s. 155.
 ARREST AND IMPRISONMENT ON VERBAL ORDER, s. 156.
 WEAPONS, ETC., CONTROL OF PERSONS ARMED WITH, ss. 157, 158.
 PARTY FLAGS AND BADGES, s. 159.

SECRECY OF PROCEEDINGS.

DUTY AS TO MAINTAINING, s. 160.
 INDUCING VOTER TO SHOW HOW HE HAS VOTED, s. 161.

COMMUNICATING INFORMATION AS TO NUMBER ON BALLOT PAPER, s. 162.

VOTER NOT TO DISCLOSE VOTE, s. 163.

OATH OF SECRECY, s. 164.

VIOLATION OF SECRECY,—DUTY OF ELECTION OFFICERS, s. 165.

NO ONE COMPELLABLE TO DISCLOSE HIS VOTE, s. 166.

CORRUPT PRACTICES AND ILLEGAL ACTS.

BRIBERY,—WHAT TO BE DEEMED, —PENALTY, s. 167 (1).

Personal expenses, s. 167 (2).

Distribution of political literature, s. 167 (3).

FURNISHING ENTERTAINMENT AT MEETING OF VOTERS, s. 168.

On nomination or polling day, s. 172.

TREATING, s. 169 (1).

What to constitute evidence of, s. 169 (2).

Habit of,—not sufficient answer, s. 169 (3).

BETTING ON RESULT OF ELECTION, s. 170.

CONVEYING VOTERS TO POLLS, s. 171.

UNDUE INFLUENCE, s. 173.

Representing that ballot is not secret, s. 173 (2).

PERSONATION, s. 174.

PROCURING APPOINTMENT AS DEPUTY RETURNING OFFICER OR POLL CLERK BY FRAUD, s. 175.

APPOINTING PERSONS TO ACT AS OFFICERS WHO HAVE BEEN GUILTY OF CORRUPT PRACTICES, s. 176.

VOTING WITH KNOWLEDGE OF NO RIGHT TO VOTE, s. 177.

FALSE STATEMENTS AS TO WITHDRAWAL OF CANDIDATE, s. 178.

BY CANDIDATE OR AGENT TO AVOID ELECTION, s. 179.

WHEN COURT FINDS THAT CANDIDATE NOT PERSONALLY GUILTY AND RESULT NOT AFFECTED, s. 180.

CONCURRENT JUDGMENT OF TRIAL JUDGES REQUIRED, s. 181.

DISQUALIFICATION OF CANDIDATE PERSONALLY GUILTY, s. 182 (1).

ACTS COMMITTED BY CANDIDATE IN EXCUSABLE IGNORANCE, s. 182 (2).

DISQUALIFICATION OF PERSONS OTHER THAN CANDIDATES, s. 183.

Where trial judges disagree and Court of Appeal finds against respondent, s. 184.

How far a second election to be deemed a new election, s. 185.

STRIKING OFF VOTES FROM CANDIDATES FOR, s. 186.

EMPLOYMENT OF DISQUALIFIED PERSONS, s. 187.

REMOVAL OF DISQUALIFICATION PROCURED BY PERJURY, s. 188.

EXECUTORY CONTRACTS TO BE VOID, s. 189.

WHERE PARTY CHARGED HAS PROSECUTED PARTY JOINTLY LIABLE, s. 190.

OFFENCES AND PENALTIES.

FALSIFYING LISTS OF VOTERS OR POLL BOOKS, s. 191.

OFFENCES RELATING TO BALLOT PAPERS, s. 192.

DESTROYING OR FALSIFYING DOCUMENTS, s. 193.

DEPUTY RETURNING OFFICER OMITTING TO INITIAL BALLOTS, s. 194.

WILFULLY MISCOUNTING BALLOT PAPERS, s. 195.

REFUSING TO DELIVER UP WEAPONS, s. 196.

PENALTIES, — CARRYING ARMS BADGES, ETC., s. 197.

VIOLATING SECRECY OF ELECTION s. 198.

RIGHT TO CIVIL DAMAGES AGAINST OFFICERS, s. 199.

RECOVERY OF PENALTIES, ss. 200, 201.

ELECTION EXPENSES.

OFFICIAL AGENT,—APPOINTMENT OF, s. 203 (1).

Appointment of another in case of death, etc., s. 203 (2).

PAYMENTS TO BE MADE THROUGH OFFICIAL AGENT, s. 204 (1).

PERSONAL EXPENSES,—WHAT TO BE DEEMED, s. 204 (2).

Onus of proof as to propriety of, s. 204 (3).

ORDINARY AND REASONABLE CHARGES FOR CERTAIN MATTERS NOT TO DISQUALIFY VOTER, s. 204 (4).

ACCOUNTS,—WHEN TO BE SENT IN TO OFFICIAL AGENT, s. 205.

Not to be paid without authority of candidate and agent, s. 205 (4).

When payment may be made after one month from election, s. 206.

STATEMENT OF ELECTION EXPENSES—PUBLICATION OF, s. 207.

VOUCHERS, PRESERVATION AND INSPECTION OF, s. 208.

FEES AND EXPENSES OF OFFICERS, s. 209.

ADDITIONAL ALLOWANCES IN CERTAIN CASES, s. 210.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

MISCELLANEOUS.

SHORT TITLE.

1. This Act may be cited as "*The Ontario Election Act*." R.S.O. 1897, c. 9, s. 1.

INTERPRETATION.

2. In this Act,—

(a) "Candidate at an election" and "candidate" shall mean and include a person elected to serve in the Assembly, and a person who is nominated as a candidate at an election, or is declared by himself or by others to be a candidate, on or after the day of the issue of the writ, or after the dissolution or vacancy in consequence of which the writ has been issued. R.S.O. 1897, c. 9, s. 2, part.

Interpretation.

"Candidate."

(b)

"Corrupt practice."

(b) "Corrupt practices" and "corrupt practice" shall mean and include bribery and acts or an act declared to be corrupt practices or a corrupt practice by this or any other Act of the Legislature of Ontario or recognized as such by the common law of Parliament.

"County."

(c) "County" shall include United Counties and a District.

"County Court."

(d) "County Court" shall include a District Court.

Election

(e) "Election" shall mean an election of a member to serve in the Assembly.

"Election Court."

(f) "Election Court" shall mean and include a court constituted under *The Ontario Controverted Elections Act* for the trial of a petition and a Summary Trial Court constituted under the said Act.

"Electoral district."

(g) "Electoral district" shall mean a county or other place in or portion of Ontario, entitled to return a member to the Assembly.

"Form."

(h) "Form" shall mean a form in Schedule A to this Act.

"Judge of the County Court."

(i) "Judge of the County Court" shall mean the Judge of the County or District Court, and where there are two or more judges, the senior judge or a junior judge in case of the illness or absence of the senior judge or where the senior judge requests him to act.

"Local Municipality."

(j) "Local municipality" shall mean and include a city, town, township or incorporated village, as the case may be.

"Oath," "Affidavit."

(k) "Oath" and "Affidavit" shall include affirmation.

"Official Agent."

(l) "Official agent" shall mean the agent appointed by a candidate under section 203.

"Polling list."

(m) "Polling list" shall mean the list of voters furnished to a Deputy Returning Officer by the Returning Officer in accordance with the provisions of this Act.

"To vote."

(n) "To vote" shall mean to vote at an election.

"Voters' lists,"

(o) "Voters' lists" and "Voters' list" shall mean respectively "Voters' lists" and "a Voters' list" under the provisions of *The Ontario Voters' Lists Act*. (New.)

CLERK OF THE CROWN IN CHANCERY.

Clerk of Legislative Assembly to be *ex-officio* Clerk of the Crown in Chancery.

3. The Clerk of the Assembly shall be *ex-officio* Clerk of the Crown in Chancery, and shall discharge all the duties which by any Statute, law, or usage ought to be, or have heretofore been discharged or performed by the Clerk of the Crown in Chancery. R.S.O. 1897, c. 9, s. 206.

IRREGULARITIES

IRREGULARITIES IN CONDUCT OF ELECTION.

4. No election shall be declared invalid by reason of,—
- (a) Any irregularity on the part of the Returning Officer or in any of the proceedings preliminary to the poll, or
 - (b) A failure to hold a poll at any place appointed for holding a poll, or
 - (c) Non-compliance with the provisions of this Act as to the taking of the poll or the counting of the votes, or as to limitations of time, or
 - (d) Any mistake in the use of the Forms contained in Schedule A,

Election not to be void in certain cases for want of compliance with directions of Act, where result not affected.

if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such irregularity, failure, non-compliance or mistake did not affect the result of the election. R.S.O. 1897, c. 9, s. 214, (1).

ELECTION INTERRUPTED.

5. If by reason of riot or other emergency, an election, or the voting at a polling place, is not commenced on the proper day, or is interrupted after being commenced, and before the lawful closing thereof, the Returning Officer or Deputy Returning Officer, as the case may be, shall hold or resume the election or polling on the following day, at the hour of nine o'clock in the forenoon, and continue the same from day to day if necessary, until a fair opportunity for nominating candidates has been given, or, in the case of polling, until the poll has been opened without interruption and with free access to voters for eight hours in all. R.S.O. 1897, c. 9, s. 212.

Provision when election or polling not commenced or interrupted by reason of riot, etc.

OATHS AND AFFIDAVITS.

6.—(1) Except where otherwise provided, any oath or affidavit for the purposes of this Act may be sworn before a justice of the peace, a commissioner for taking affidavits in the High Court, or a notary public.

Who may take affidavits.

(2) The Returning Officer shall have power to administer any oath required by this Act with respect to the election and the Deputy Returning Officer and Poll Clerk may administer any oath except such as is required to be administered to the Returning Officer. R.S.O. 1897, c. 9, s. 215.

Oaths, who to administer.

(3) Every person before whom it is herein provided that an oath or affidavit may be taken, shall administer the same gratuitously. R.S.O. 1897, c. 9, s. 216.

No charge for administering oaths, etc.

AGENTS.

Certain persons disqualified from acting as agents.
Penalty.

7. A person who, by section 12, is disqualified and incompetent to vote, or who within eight years has been found guilty by a competent tribunal of or reported for corrupt practice by an Election Court, shall not act as agent for a candidate at an election; and any person violating this enactment shall incur the same penalty as if he had voted at the election. R.S.O. 1897, c. 9, s. 208.

Candidates may undertake duties of agent.

8. A candidate may himself undertake the duties which any agent of his, (except his official agent) might have undertaken, if appointed, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may in pursuance of this Act attend, except at the marking of a ballot under section 102. R.S.O. 1897, c. 9, s. 209.

Expressions referring to agents.
Non-attendance of agents

9. Where in this Act expressions are used requiring or authorizing any act to be done in the presence of the agents of the candidates, the non-attendance of any agent shall not invalidate the act done. R.S.O. 1897, c. 9, s. 211, *part.*

PERSONS NOMINATED WITHOUT CONSENT.

Non-liability of person nominated without consent.

10. Nothing in this Act shall impose any liability upon any person nominated as a candidate or declared to be a candidate by others without his consent, unless he has afterwards given his assent to such nomination or declaration, or has been elected. R.S.O. 1897, c. 9, s. 2, par. 8 (part).

QUALIFICATION OF CANDIDATE.

Who may be candidates.

11. Any male person, of the full age of twenty-one years and a British subject by birth or naturalization resident in Ontario, who is not disqualified by *The Legislative Assembly Act* or by any other Act, shall be qualified to be a candidate.

QUALIFICATION OF VOTERS.

WHO SHALL NOT VOTE.

Persons disqualified from voting.

12.—(1) Judges of the Dominion and Provincial Courts, Officers of the Customs of the Dominion of Canada, Clerks of the Peace, County Crown Attorneys, Postmasters in cities and towns, Stipendiary Magistrates, Police Magistrates in cities and towns having a population of 5,000 and over, and Officers employed in the collection of duties payable

able to His Majesty in the nature of duties of excise, shall be disqualified and incompetent to vote.

(2) If any person mentioned in this section votes, he shall incur a penalty of \$2,000, and his vote shall be null and void. R.S.O. 1897, c. 9, s. 4. Penalty.

13.—(1) No Returning Officer or Election Clerk shall be entitled to vote; but this provision shall not affect the duty of the Returning Officer to give a casting vote. Certain officers and persons not to vote.

(2) No person shall be entitled to vote who, at any time, before or during the election, has been employed as counsel, agent, solicitor or clerk or in any other capacity by a candidate or by any person at or in reference to the election, or for the purpose of forwarding the same, and who has received or expects to receive, either before, during or after the election, from any candidate or from any person, for acting in such capacity, any sum of money, fee, office, place or employment, or any promise, pledge or security therefor. Persons employed by candidates for reward.

(3) The next preceding subsection shall not apply to any person who performs any official duty in connection with the election and who receives the fees to which he is entitled. R.S.O. 1897, c. 9, s. 6 (1)-(2). Election officers not disqualified by receipt of fees.

14. No woman shall be entitled to vote. R.S.O. 1897, c. 9, s. 6 (3). Women not to vote.

15. No person shall be entitled to be entered on the voters' list, or shall vote, who is a prisoner in a gaol or prison undergoing punishment for a criminal offence, or is a patient in a lunatic asylum, or is maintained in whole or in part as an inmate receiving charitable support or care in a municipal house of refuge or house of industry. R.S.O. 1897, c. 9, s. 7. Disqualifications.

WHO MAY BE ENTERED ON LISTS.

Revised Voters' List of a Municipality.

16. Every man shall be entitled to be entered on the voters' list prepared under Parts I. or II. of *The Ontario Voters' Lists Act*, who Voters whose names entered on Voters' List prepared under Voters' Lists Act

(a) Is of the full age of twenty-one years, or will be of that age within 30 days after the day fixed for hearing appeals to the Judge under the said Act;

(b) Is a British subject by birth or naturalization;

(c) Is not disqualified under this Act or otherwise by law prohibited from voting;

(d)

- (d) Has resided in Canada for the nine months next preceding the time fixed by statute or by by-law authorized by statute for beginning to make the Assessment Roll of the municipality in which he resides, or has resided within Canada for the twelve months next preceding the time up to which application, complaint or appeal to enter his name on such list may be made to the Judge of the County Court under the said Act;
- (e) Was in good faith at the time of beginning to make the Assessment Roll or for making application, complaint or appeal to the Judge, as the case may be, a resident of and domiciled in the municipality on the list of which he is to be entered. R.S.O. 1897, c. 9, s. 8 (part).

List of Voters prepared under "The Manhood Suffrage Registration Act."

Voters whose names are entered on lists prepared under Manhood Suffrage Registration Act.

17.—(1) Every man shall be entitled to be entered on the list of voters prepared under *The Manhood Suffrage Registration Act*, who

- (a) Is of the full age of twenty-one years;
- (b) Is a British subject by birth or naturalization;
- (c) Is not disqualified under this Act or otherwise by law prohibited from voting;
- (d) Has resided in Canada for the twelve months next preceding the day on which the first sittings of the Registrars of Manhood Suffrage voters was held for the preparation of the lists of voters under *The Manhood Suffrage Registration Act*;
- (e) Was in good faith on the said day and for the three months next preceding the same a resident of and domiciled in the city or town on the list of which or part of which he is to be entered;

and in any municipality divided into two or more electoral districts and in any municipality, parts of which are situated in two or more electoral districts who

- (f) Was in good faith on the said day and for the next preceding thirty days a resident of and domiciled within the electoral district. R.S.O. 1897, c. 9, s. 9; 61 V. c. 5, s. 9, *amended*.

Members of permanent Militia Corps and Students.

(2) Members of a permanent militia corps enlisted for continuous service, members of the active militia on service, and students in attendance at an institution of learning who are during such service or attendance residents of a city or town, and who are not entitled to be or could not have been and are not at the time of their

their application for registration, registered or entered upon any other list of persons entitled to vote at elections for the Assembly shall be entitled to be registered as Manhood Suffrage voters in the city or town, if otherwise qualified according to the provisions of subsection 1. 7 Edw. VII. c. 5, s. 2 (2).

Voters Lists' prepared for territory without municipal organization.

18. In those parts of Ontario without municipal organization, as defined by *The Ontario Voters' Lists Act*, every man shall be entitled to be entered on the voters' list prepared under Part III. of the said Act, who

Voters on lists prepared for unorganized territory.

- (a) Is of the full age of twenty-one years or will be of that age within 30 days after the day fixed for hearing appeals to the Judge under the said Act;
- (b) Is a British subject by birth or naturalization;
- (c) Is not disqualified under this Act or otherwise by law prohibited from voting;
- (d) Has resided in Canada for the nine months preceding the day for commencing to prepare the list on which he is to be entered. R.S.O. 1897, c. 9, s. 10.
- (e) Is a resident of and domiciled in the territory for which the list is being prepared. (*New.*)

WHO MAY VOTE.

19. Subject to the provisions of sections 20 and 21 and clause (b) of section 95 of this Act and to the provisions of sections 24 and 68 of *The Ontario Voters' Lists Act* and section 33 of *The Manhood Suffrage Registration Act*, every man whose name is entered on either of the lists prepared under the said Acts, shall be entitled to vote if he is at the time of tendering his vote a resident of and domiciled in the electoral district and has resided continuously in the electoral district from the time when the list was certified by the Judge of the County Court or when the list under *The Manhood Suffrage Registration Act* was prepared, as the case may be. Provided always that no one who has been entered on a voters' list as a person who will attain the age of 21 years within 30 days after the day fixed for hearing appeals to the Judge, under *The Ontario Voters' Lists Act* shall be entitled to vote until he has attained the age of 21 years. (*New.*)

Finality of voters' lists

Clergymen

Clergymen and School Teachers.

Clergymen and school teachers, removal not to disqualify.

20. Where the name of a clergyman or of a High or Public or Separate School teacher is entered on any voters' list, prepared under *The Ontario Voters' Lists Act* and proper to be used at an election for an electoral district, he shall be entitled to vote at such election, although he does not at the time of the election reside in such electoral district if he has not ceased to reside therein for more than three months next preceding the election, is not entitled to vote in any other electoral district, is otherwise qualified and is still a resident of Ontario. 7 Edw. VII. c. 6, s. 1.

Temporary Absence and Domicile.

When temporary absence not to disqualify.

21.—(1) A person may be resident in a municipality within the meaning of this Act notwithstanding occasional or temporary absence or

(a) Absence as a member of a permanent militia corps enlisted for continuous service or on service as a member of the active militia; or

(b) Absence as a student in attendance at an institution of learning in the Dominion of Canada.

(2) Such absence shall not disentitle him to be entered on the Assessment Roll or entered or registered on a list of voters as a voter or to vote. R.S.O. 1897, c. 9, s. 11 (1); 7 Edw. VII. c. 6, s. 7.

(3) No person shall be deemed to be domiciled within the meaning of sections 16 and 17 in a municipality in which he is in attendance as a student at an institution of learning, if he has a place of residence in another municipality and is entered or is entitled to be or could have been entered on the voters' list thereof.

Indians.

Unenfranchised Indians

22.—(1) An unenfranchised Indian of whole or part Indian blood residing or having his domicile among Indians or on an Indian Reserve, shall not be entitled to have his name entered on the voters' list or to vote. (*New.*)

Oath.

(2) A person alleged by a candidate, or the agent of a candidate, to be an Indian or a person of part Indian blood, if required by the candidate or agent, or by the Deputy Returning Officer, shall take one of the following oaths in addition to any other oath required of a voter:—

You swear (*or affirm*) that you are not an Indian or a person having part Indian blood.

Or,

Or, at his option,—

You swear (*or* affirm) that you are an enfranchised Indian.

Or at his option,—

You swear (*or* affirm) that you do not reside nor is your domicile among Indians or on an Indian Reserve. (*New.*)

PROCEEDINGS PRELIMINARY TO ELECTIONS.

DATES FOR NOMINATION AND POLLING.

23.—(1) Where an election is to be held the Lieutenant-Governor in Council may appoint a day, not more than twenty nor less than sixteen days from the date of the writs of election for the nomination of candidates and the seventh day after the nomination day shall be the day on which polling shall take place where a poll is granted.

Appointment of day for holding.

(2) In the case of a general election the nominations shall be held on one and the same day for all electoral districts and the respective days for the nomination and for the polling shall be stated in the proclamation for the election.

Date to be same in all Electoral Districts.

(3) The writs for a general election shall be dated on the same day.

Writs to bear date on same day.

(4) A writ of election shall state the respective days for the nomination and for the polling, and need not name a return day, but shall be returnable forthwith after the execution thereof. R.S.O. 1897, c. 9, ss. 27-30.

24.—(1) In an electoral district entitled to return more than one member where the members are to be elected for separate seats, there shall be a separate writ of election for each seat, and the election of a member for each seat shall be a separate election from the election of a member for the other seat or seats, and shall take place in the same manner and the proceedings therefor and incidental thereto and consequent thereon shall be the same in all respects as if the election of a member for each seat were the election of a member for an electoral district entitled to return only one member, save and except that the same Returning Officer, election clerk, Deputy Returning Officers, and poll clerks shall conduct the elections for all the seats, and the nomination of candidates and the polling of the votes for all the seats shall take place at the same time and at the same places respectively, and the same ballot box shall be used.

Procedure in case of an electoral district returning more than one member and by separate seats.

(2) The nominations shall take place in the same manner as if the members to be elected were to be elected for the electoral

Nominations for all seats to be held at same

time and same
officers to act.

electoral district, except that candidates shall be nominated separately for each seat.

Where candi-
date nominated
for more than
one seat.

(3) If a person is nominated for more than one of such seats he may before the close of the nomination elect for which seat he will be a candidate, and failing such election he shall before four o'clock in the afternoon of the second day after the nomination, notify the Returning Officer in writing for which seat he elects to be a candidate, and if he fails to do so he shall be deemed not to be a candidate and his name shall not be printed on the ballot papers, and if the result is that one candidate only remains in nomination for a seat the Returning Officer shall return such candidate as duly elected for such seat.

Separate ballot
paper for
each seat.

(4) For each seat there shall be separate ballot papers, on the back of which after the name of the electoral district there shall be added the number or other designation of the seat.

Voter to vote
for one candi-
date for each
seat.

(5) A voter shall be entitled to vote for only one candidate for each seat.

Fees of officers.

(6) The Returning Officer and other election officers shall not be entitled to any greater or other fees than if the election were an election for an electoral district and not for separate seats. (*New.*)

FORMS, ETC.

Papers and Forms to be sent by Clerk of Crown in Chancery to Returning Officer.

Notices as to
secrecy to be
sent to return-
ing officers be-
fore elections.

25.—(1) Before any general or other election, the Clerk of the Crown in Chancery shall procure to be printed in conspicuous characters a notice as to secrecy, Form 1, and shall transmit by post to the Returning Officer of every electoral district, such number of copies as he may deem sufficient to supply every deputy returning officer with five copies, and the Deputy Returning Officer shall post up one copy in a conspicuous place outside the polling place, and one in a conspicuous place, within the polling place, and he shall see that they remain so posted up from the opening to the close of the poll.

(2) The notice may be separated from or added to the directions for the guidance of voters in voting, Form 13. R.S.O. 1897, c. 9, s. 31.

Forms, etc.,
to be supplied
by Clerk of
the Crown in
Chancery.

(3) The Clerk of the Crown in Chancery shall also procure from the King's Printer the forms, other than the proclamation of the nomination, prescribed by this Act, for each Electoral District in sufficient number for the requirements of the election, the label mentioned in subsection 2 of section 146, and such stationery as may be necessary, and shall send the same to the Returning Officer forthwith after the issue of the writ. 63 V. c. 4, s. 2 (part).

26. Immediately after the issue of the writ, the Clerk of the Crown in Chancery shall supply the Returning Officer with a sufficient number of blank poll-books, Form 2, for the purposes of the election, having regard to the number of polling places within the electoral district, containing the following blank forms:

Clerk of the Crown in Chancery to supply poll books.

1. Commission of Deputy Returning officer.
2. Oath of Deputy Returning officer.
3. Copy of the certificate of the clerk of the municipality shewing the time fixed for the assessor to begin to make the assessment roll and the last day on which a complaint could be made to the Judge under *The Ontario Voters' Lists Act*.
4. Commission of Poll Clerk.
5. Oath of Poll Clerk.
6. Oath of secrecy.
7. Schedule for "Notes of objections" to ballot papers under section 115.
8. Statement of the poll after counting the ballot papers.
9. Ballot paper account.
10. Oath of deputy returning officer after closing the poll.
11. Oath of poll clerk after closing the poll. R.S.O. 1897, c. 9, s. 33.

27. There shall be transmitted to the Returning Officer with the writ of election, such number of copies of this Act and of any Acts amending the same, as will be sufficient to supply him and each Deputy Returning Officer with one copy at least; and every copy shall contain an alphabetical index. R.S.O. 1897, c. 9, s. 217.

Transmission to Returning Officers of copies of this Act.

[*As to transmission of copies of The Manhood Suffrage Registration Act and The Act to Secure the Prompt Punishment of Persons Guilty of Personation at Elections for the Legislative Assembly. See 7 Edw. VII. c. 5, s. 44.*]

RETURNING OFFICERS.

28. A commission shall not be required for the appointment of a Returning Officer, but the direction of a writ of election to a person named therein as Returning Officer shall be a sufficient appointment. R.S.O. 1897, c. 9, ss. 19, 20.

Appointment of Returning Officer.

Writs for elections, to whom addressed.

29. Every writ of election shall be addressed to such person, being a resident of the Electoral District for which the Election is to take place, as the Lieutenant-Governor in Council may appoint. 6 Edw. VII. c. 8, s. 1.

Refusal or incapacity to act.

30. If the person to whom the writ is addressed dies or refuses to act, or is absent or incapacitated or unable from any cause to act, the Lieutenant-Governor in Council may appoint some other person to be Returning Officer. R.S.O. 1897, c. 9, s. 22; 6 Edw. VII. c. 8, s. 3.

Where writ directed to person whose appointment is subsequently superseded.

31. If a writ has been issued to a person whose appointment is afterwards superseded or to a person in whose stead a Returning Officer has been appointed under the provisions of the next preceding section, a new writ may be issued or the new Returning Officer may act under the writ already issued as if the same had been addressed to him, and the validity of the proceedings had or taken under the first appointment shall not be affected by the new appointment; but the new Returning Officer may appoint a new Election Clerk and new Deputy Returning Officers, if he thinks fit, in place of the persons, if any, appointed to such offices by the person previously named as Returning Officer. R.S.O. 1897, c. 9, s. 23.

Persons excluded from being Returning Officers, etc.

32.—(1) None of the persons hereinafter mentioned shall be appointed or shall act as Returning Officer, Deputy Returning Officer, Election Clerk, or Poll Clerk:—

- (a) Members of the Executive Council;
- (b) Members of the Parliament of Canada or of the Assembly,
- (c) Ministers, Priests or Ecclesiastics under any form or profession of religious faith or worship;
- (d) Judges of Dominion or Provincial Courts.
- (e) Persons who have served as members of the Assembly in the Session next preceding the election, or in the then present Session, if the election takes place during a Session of the Assembly.
- (f) Persons who have at any time been found guilty by a competent tribunal of or reported by an Election Court for corrupt practices.

Penalty.

(2) If any such person acts as Returning Officer, Deputy Returning Officer, Election Clerk, or Poll Clerk, he shall incur a penalty of \$200. R.S.O. 1897, c. 9, s. 24. 4 Edw. VII. c. 3, s. 1.

(3) A contravention of this section shall not affect the validity of the election. (*New.*)

33. None of the persons hereinafter mentioned shall be obliged to act as Returning Officer, Deputy Returning Officer, Election Clerk, or Poll Clerk:—

- (a) Physicians and Surgeons;
- (b) Millers;
- (c) Postmasters;
- (d) Persons sixty years of age or upwards;
- (e) Persons who have previously served as Returning Officers. R.S.O. 1897, c. 9, s. 25; 6 Edw. VII. c. 8, s. 5.

34. Every person not disqualified by this Act, who refuses to perform the duty of Returning Officer, after having received the writ of election, shall incur a penalty of \$200; unless, having a right to claim the exemption conferred by the next preceding section, he has claimed exemption by letter setting forth the grounds of such exemption and forwarded to the Clerk of the Crown in Chancery within two days next after the receipt of the writ of election. R.S.O. 1897, c. 9, s. 26; 6 Edw. VII. c. 8, s. 6.

PROCEEDINGS ON THE RECEIPT OF THE WRIT.

35. The Returning Officer shall, on receiving the writ, forthwith endorse thereon the date of its receipt. R.S.O. 1897, c. 9, s. 34.

Oath of Returning Officer.

36. The Returning Officer shall, before the nomination day, take and subscribe the oath, Form 3; and a Returning Officer who refuses or neglects to take and subscribe the oath, shall incur a penalty of \$40. R.S.O. 1897, c. 9, s. 46.

Proclamation by Returning Officer.

37.—(1) The Returning Officer forthwith after the receipt of the writ shall by proclamation under his hand in the English language, Form 4, declare:—

- (a) The place and time fixed for the nomination of candidates;
- (b) The day on which the poll for taking the votes of the voters is to be held in case a poll is granted;
- (c) The polling places fixed by him and the territorial limits to which they respectively apply;

(d)

(d) The time when and the place where he will add up the number of votes given to the several candidates. R.S.C. c. 6, s. 86, part.

(2) The proclamation shall be posted up in the electoral district at least eight days before the nomination day, neither the last day of posting up nor the nomination day being reckoned. R.S.C. c. 6, s. 87.

Place of
nomination.

38. The place for the nomination of candidates shall be the court house, city or town hall or some other public or private building in the most central or the most convenient place for the majority of the voters of the electoral district and the time appointed for the nomination of candidates shall be from twelve o'clock noon until two o'clock in the afternoon of the day fixed for that purpose. R.S.O. 1897, c. 9, s. 36, (1).

Places of post-
ing up procla-
mation.

39. In a city or town, the proclamation shall be posted up at the city or town hall, and in some public place in each ward, and in other places at the town hall or other public place where the meetings of the municipal council are held, at every post office, and in at least one other public place in every polling subdivision.

Places of
posting up
proclamation
in districts of
Algoma, etc.

Provided always that in territory without county organization it shall not be necessary to post up the proclamation for holding the election at every post office in the electoral district, but it shall be posted up in some public place in the neighbourhood of each place at which a poll is required to be held. R.S.O. 1897, c. 9, ss. 38-39.

Penalty.

40. A Returning Officer refusing or neglecting to cause the proclamation to be posted up as prescribed by this Act shall incur a penalty of \$200. R.S.O. 1897, c. 9, s. 40.

Unforeseen
delays provid-
ed for.

41.—(1) Where from any cause the proclamation could not be posted up so as to leave the required delay between the posting up and the nomination day or the Returning Officer is unable to hold the nomination on the day fixed for that purpose, he may by proclamation under his hand fix another day for the nomination which shall be the nearest day practicable, after allowing the required delay between the posting up of the proclamation and the nomination day.

(2) The proclamation shall be in the like form and shall be posted up in the like manner as provided in section 37.

(3) The polling day shall be the seventh day after the nomination day.

(4) The Returning Officer shall, with his return, make to the Clerk of the Crown in Chancery a report of the cause which occasioned the postponement of the election. R.S.O. 1897, c. 9, s. 41.

42. Where an election for an electoral district of which Pelee Island or Amherst Island forms part is to be held between the months of October and April, and the Lieutenant-Governor in Council, is satisfied that communication and travel between Pelee Island or Amherst Island and the main land is likely to be dangerous or to be interrupted he may direct that all necessary instructions and information relating to the election be transmitted by telephone, including information as to the number of votes given for each candidate and as to all other matters relating to the election, so as to enable the Returning Officer to return the candidate having the majority, or to make such other return as the case requires; and the Lieutenant-Governor in Council may make such order for carrying out the provisions of this section as to him may seem proper. R.S.O. 1897, c. 9, s. 42.

Communication with Pelee Island and Amherst Island may be by telephone.

Election Clerks.

43.—(1) The Returning Officer before the nomination day shall appoint, by a commission under his hand, Form 5, an Election Clerk. R.S.O. 1897, c. 9, s. 47.

Returning Officer to appoint an Election Clerk.

(2) The Returning Officer may at any time during the election in the same manner appoint another Election Clerk if the one so appointed dies or refuses or neglects or is unable to perform his duties.

(3) The Election Clerk shall assist the Returning Officer in the performance of his duties and if the Returning Officer dies or refuses or is disqualified or unable to perform his duties and has not been replaced by another, shall act in his stead as Returning Officer. R.S.O. 1897, c. 9, s. 51, part.

44. The Election Clerk shall before entering upon his duties take and subscribe the oath, Form 6. R.S.O. 1897, c. 9, s. 48.

Oath of Election Clerk.

45. A person appointed Election Clerk, who refuses to accept the office, or who, having accepted it, refuses or neglects to take and subscribe the oath, or to perform the duties of Election Clerk, shall incur a penalty of \$40. R.S.O. 1897, c. 9, s. 50.

Penalty for refusing to act.

46. The appointment and oath of an Election Clerk shall be either endorsed on or attached to the writ. R.S.O. 1897, c. 9, s. 51, part.

Appointment and oath to be on writ.

47. An Election Clerk, whose duty it becomes to act in the stead of the Returning Officer shall be subject to the same

Duties and liabilities when

same

acting as Re-
turning Officer.

same penalties as the Returning Officer for his neglect or refusal to perform the duties and to all the obligations of that office in like manner as if he had been appointed Returning Officer and shall not be required to possess any other qualification or to take the oath, Form 3. R.S.O. 1897, c. 9, s. 52, *amended*.

Ballot Boxes.

Ballot boxes to
be furnished.

48.—(1) The Returning Officer shall, on receiving the writ provide as many ballot boxes as there are polling places within the electoral district.

How made.

(2) The ballot box shall be made of durable material, provided with lock and key, and so constructed that the ballot paper can be deposited therein, and cannot be withdrawn without unlocking the box.

Penalty on
failure to
furnish boxes.

(3) If the Returning Officer fails to provide the ballot boxes, he shall incur a penalty of \$100 in respect of every ballot box which he fails to provide. R.S.O. 1897, c. 9, s. 45.

Property in
ballot boxes,
papers, etc., to
be in His
Majesty.

49. The property in the ballot boxes, ballot papers, marking instruments, books, papers and documents procured for or used at an election, shall be in His Majesty. R.S.O. 1897, c. 9, s. 207.

Delivery of
ballot boxes to
Deputy Re-
turning
Officers.

50. Where it becomes necessary to use the ballot boxes, the Returning Officer, two days at least before the polling day, shall deliver one ballot box to every Deputy Returning Officer. R.S.O. 1897, c. 9, s. 72.

Duty of
Deputy Re-
turning Officer
as to ballot
box.

51. A Deputy Returning Officer who has not been supplied with a ballot box within the time prescribed in the next preceding section, shall forthwith procure one to be made. R.S.O. 1897, c. 9, s. 73.

Return of
ballot boxes to
municipal
clerks and
Clerk of Peace.

52. After the close of the election the Returning Officer shall deliver the ballot boxes used in the election to the several clerks of the municipalities in the electoral district and to the Clerk of the Peace in the case of territory without municipal organization and the boxes shall be preserved by them for use at future elections. R.S.O. 1897, c. 9, s. 122; 63 V. c. 4, s. 16.

Polling Subdivisions.

When Return-
ing Officer to
make division

53.—(1) In case of failure of the council to divide a municipality into polling subdivisions in accordance with the provisions of *The Municipal Act*, or in case a division has been made and the time for appealing therefrom has not expired, the Returning Officer shall make the division. R.S.O. 1897, c. 9, s. 18, *amended*.

(2) Where the council has divided the municipality into polling subdivisions the Returning Officer shall not be required to make any change in the boundaries of a polling subdivision which does not contain a greater number of voters than prescribed by *The Municipal Act*. (*New*). (See R.S.O. 1897, c. 9, s. 16 (1)).

when council has divided municipality.

(3) If it is necessary for a Returning Officer to divide a municipality or any part thereof into polling subdivisions, he shall be entitled to a reasonable allowance therefor. R.S.O. 1897, c. 9, s. 17, *amended*.

Remuneration of Returning Officer making division.

Polling Places.

54.—(1) Subject to the provisions of subsection (4), the Returning Officer on receiving the writ shall fix and provide at least one polling place for each polling subdivision in the most central or most convenient place for the voters. R.S.O. 1897, c. 9, s. 43 (1); 2 Edw. VII. c. 7, s. 1.

Polling places in each polling subdivision.

(2) A Returning Officer may in his discretion grant such additional polling places in any polling subdivision as the extent of the subdivision and the remoteness of any body of its voters from the polling place render necessary.

Additional polling places in discretion of Returning Officer.

(3) In a city the Returning Officer may unite two or more adjoining polling subdivisions and fix one polling place for the united subdivisions; Provided always that such united polling subdivision shall not contain more than the number of voters prescribed by *The Municipal Act*. R.S.O. 1897, c. 9, s. 43 (2-3).

Returning officer may unite polling subdivisions in cities.

(4) In a city the actual cost of each polling place, not exceeding \$6, and in other municipalities not exceeding \$4, shall be allowed to the Returning Officer, and be paid out of the Consolidated Revenue Fund.

Cost of polling places.

(5) The building in which the poll is held shall not be a tavern or place of public entertainment; and there shall be free access to the poll for every voter. R.S.O. 1897, c. 9, s. 43 (4).

Polling place not to be a tavern.

(6) Where a polling subdivision contains more than the prescribed number of voters the Returning Officer instead of subdividing it may provide one or more additional polling places near to one another, having regard to the total number of voters in the polling subdivision.

Additional polling places to be provided where voters exceed 300.

(7) Where there are two or more polling places in a subdivision each polling place shall be designated by the initial letters of the surnames of the voters who are to vote in such polling place, in the following manner, that is to say, from A to M inclusive, and from N to Z inclusive, or as may be determined by the Returning Officer.

Division to be according to initial letter of voters' names.

Where voters
to vote.

(8) Every voter the initial letter of whose surname is included within the letters of the alphabet designating a polling place shall vote in the polling place so designated.

Appointment
of deputies for
additional
polling places.

(9) The Returning Officer shall appoint a Deputy Returning Officer for each such polling place, and deliver to him in due time a polling list to be prepared by the Clerk of the Peace or the Clerk of the Municipality as the case may be in the manner hereinafter provided, containing the names of all voters on the proper list of voters for the polling subdivision whose surnames commence with the letters of the alphabet included within the letters by which such polling place is designated. 2 Edw. VII. c. 7, s. 2.

Compartment
for voters to
mark ballots.

55. Every polling place shall be furnished with compartments in which the voters can mark their ballot papers screened from observation; and it shall be the duty of the Returning Officer and the Deputy Returning Officer respectively, to see that a sufficient number of compartments is provided at each polling place. R.S.O. 1897, c. 9, s. 44.

NOMINATION.

PROCEDURE BY RETURNING OFFICER.

Proceedings of
the Returning
Officer on the
day of nomination.

56. The Returning Officer, at the time and place fixed for the nominations shall in the English language make or cause to be made, in the presence of the voters there assembled, a proclamation, Form 7, and read or cause to be read publicly, the writ of election, and his commission as Returning Officer when he has been appointed by commission, and shall then require the electors there present to name the person or persons whom they wish to represent them in the Assembly. R.S.O. 1897, c. 9, s. 53.

WHEN POLL TO BE GRANTED.

Grant of poll.

57. A show of hands shall not be taken on the nomination day, but if more candidates than are required to be elected are *nominated* the Returning Officer shall grant a poll for taking the votes, and if he refuses or neglects to do so he shall incur a penalty of \$1,000 and if he declares any candidate to be elected the election shall be void. R.S.O. 1897, c. 9, s. 54.

ELECTION BY ACCLAMATION.

If only one
candidate proposed
within
an hour, he
to be declared
elected.

58. If no more candidates are nominated than are required to be elected, or if by the withdrawal of persons nominated there remain no more candidates than are required to be elected, the Returning Officer at the expiration of one hour from the nomination of the candidate last nominated

nated, shall close the election, and openly proclaim the person or persons so chosen to be duly elected. R.S.O. 1897, c. 9, s. 55.

OFFICIAL AGENTS OF CANDIDATES.

59. The Returning Officer shall announce at the place and on the day of nomination and on or immediately after the day of nomination, shall publish at the expense of the candidates the names and addresses of their official agents. The publication shall be in a newspaper, published or circulated within the Electoral District. R.S.O. 1897, c. 9, s. 56.

Returning Officer to publish names and addresses of agents.

WITHDRAWAL OF CANDIDATES.

60. Subject to the provisions of section 24 a candidate may withdraw at any time after his nomination and before the opening of the poll, by delivering to the Returning Officer a declaration in writing, Form 8, to that effect, signed by himself in the presence of a subscribing witness, and any votes cast for a candidate who has so withdrawn shall be null and void; and if after the withdrawal there remain but one candidate, or only the number of candidates required to be elected, the Returning Officer shall return as duly elected the candidate or candidates so remaining. R.S.O. 1897, c. 9, s. 57.

Withdrawal of candidate after nomination.

DEATH OF CANDIDATE.

61. If a candidate dies after being nominated and before the close of the poll, the Returning Officer shall fix new days for the nomination of candidates, and for polling, and the nomination day shall be the nearest day practicable, after allowing the required delay between the posting up of the proclamation and the nomination day and with his return he shall make to the Clerk of the Crown in Chancery a report of the cause which occasioned the postponement of the election. R.S.O. 1897, c. 9, s. 58.

Death of candidate.

PROCLAMATION OF NAMES OF DEPUTY RETURNING OFFICERS.

62. Where a poll has been granted, the Returning Officer, immediately after having granted a poll, and before adjourning his proceedings, shall publicly proclaim at the place of nomination as far as practicable the names of the Deputy Returning Officers. R.S.O. 1897, c. 9, s. 59 (1); 63 V. c. 4, s. 3, *amended*.

Returning Officer to proclaim names of Deputy Returning Officers.

POLLING.

PROCEEDINGS PRELIMINARY TO THE POLL.

Deputy Returning Officers.

Appointment
of Deputy
Returning
Officers.

63.—(1) The Returning Officer, by a commission under his hand, Form 9, shall appoint a Deputy Returning Officer for every polling place. R.S.O. 1897, c. 9, s. 64.

Deputy Return-
ing Officer to be
a voter in local
municipality.

(2) No person shall be so appointed who is not a voter in the local municipality wherein the polling place for which he is appointed is situated or in the case of territory without municipal organization, who is not a voter in the electoral district. 63 V. c. 4, s. 4.

Oath of
office, etc.

64. Every Deputy Returning Officer before acting shall, take and subscribe, the oath, Form 10. R.S.O. 1897, c. 9, s. 65.

Penalty for
refusing to per-
form duties of
office.

65. A person appointed a Deputy Returning Officer who refuses to accept the office, or who, after having accepted it, refuses or neglects to take and subscribe the oath or to perform the duties of a Deputy Returning Officer, shall incur a penalty of \$100. R.S.O. 1897, c. 9, s. 66.

Death or ab-
sence of Deputy
Returning
Officer.

66. In case of the death, illness or absence of a Deputy Returning Officer or of his refusal or neglect to act, the Returning Officer may in the manner hereinbefore provided, appoint another Deputy Returning Officer to act in his stead; and the appointment and oath of the person so appointed shall be endorsed upon or attached to the poll book. R.S.O. 1897, c. 9, s. 68.

Polling Places in Unorganized Territory.

Polling places
in districts.

67. In territory without municipal organization, polls shall be held at such places as the Lieutenant-Governor in Council may direct.

Municipality
without assess-
ment roll.

68. Territory comprised within a newly organized municipality for which there is no assessment roll shall be deemed to be territory without municipal organization within the meaning of the next preceding section.

Materials to be furnished to Deputy Returning Officer.

Supplies to be
furnished by
Returning
Officer.

69. The Returning Officer shall deliver to each Deputy Returning Officer, two days at least before the polling day, a blank poll-book, forms of oaths to be administered to voters, envelopes and sealing-wax, and a screen, if one is required. R.S.C. 1906, c. 6, s. 110.

Ballot Papers.

70.—(1) The Returning Officer shall procure to be printed on the paper furnished to him, as hereinafter provided, a sufficient number of ballot papers, not being less than the total number of voters in the electoral district. (*New.*)

Returning
Officer to see
to printing
of ballots.

(2) The names of the candidates, alphabetically arranged in the order of their surnames, shall be printed on the ballot paper and it shall be provided with a counterfoil and a stub, and there shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub, the whole as in Form 12. R.S.C. c. 6, s. 123.

Form of ballot.

(3) Where two members are to be elected, and there are more than two candidates, the candidates may, within an hour after the time appointed for the nomination, agree to their names being arranged otherwise than alphabetically, and in such case the Returning Officer shall have the names arranged accordingly on the ballot paper. R.S.C., c. 6, s. 124.

Arrangement
of names
thereon.

(4) The ballot shall be printed upon thick writing paper of the following weight: if foolscap paper is used, it shall be of a weight of not less than sixteen pounds to the ream; if large post paper is used, it shall be of a weight of not less than twenty-five pounds to the ream. R.S.C. c. 6, s. 125.

Weight of
paper.

(5) The paper required for the printing of the ballot papers shall be furnished to the Returning Officer by the King's Printer, when the writ for the election is transmitted to him, or as soon thereafter as possible. R.S.C. c. 6, s. 126.

Paper furnish-
ed by King's
Printer.

(6) The ballot papers shall be numbered on the back of the stub and the counterfoil, the same number being printed or written on the stub as on the counterfoil, and shall be bound or stitched in books containing twenty-five, fifty, or one hundred ballots, as may be most suitable for supplying the polling subdivisions proportionately to the number of voters in each. R.S.C. c. 6, s. 127.

Numbering of
ballot papers.

(7) All ballot papers shall be of the same description and as nearly alike as possible. R.S.C. c. 6, s. 111 (2).

(8) The ballot papers shall bear the name of the printer who prints them. R.S.C. c. 6, s. 128.

Printer's name.

(9) The printer shall, with the ballot papers, deliver to the Returning Officer, an affidavit, Form 11. R.S.C. c. 6, s. 129, *part*.

Affidavit of
printer.

71.—(1) The Returning Officer shall furnish each Deputy Returning Officer with a sufficient number of ballot papers to supply the voters on the polling list of his polling place or polling subdivision, and a certificate of the number of ballot

Ballot papers,
etc., to be
furnished by
Returning
Officer.

ballot papers with the necessary materials for voters to mark their ballot papers. (*New.*)

Ballots to be stamped.

(2) Every ballot paper shall be stamped by the Returning Officer with a stamp furnished to him for that purpose by the Clerk of the Crown in Chancery, the impression of the stamp being so placed on the ballot paper that, when the latter is folded by a voter the impression can be seen without the ballot paper being opened. R.S.C. 1906, c. 6, s. 111.

Design of stamp.

(3) The stamp shall be specially designed and made for the purposes of each election, and shall be forwarded by the Clerk of the Crown in Chancery to the Returning Officer, so as to reach him on or about the nomination day.

Stamp to show name of electoral district, etc.

(4) The stamp shall show the name of the electoral district and the year of the election, and shall be of such design that an impression made from it shall be readily recognizable. R.S.C. 1906, c. 6, s. 112.

Copies of directions to voters to be furnished to Deputy Returning Officers.

72. The Returning Officer shall furnish each Deputy Returning Officer with at least five copies of the printed directions, Form 13, for the guidance of voters in voting, and the Deputy Returning Officer shall before or at the opening of the poll, on the day of polling, cause such printed directions to be posted up in conspicuous places outside of the polling place, and also in each compartment of the polling place. R.S.C. 1906, c. 6, s. 113.

Certificates as to Assessment Roll.

Returning Officer to furnish Deputy Returning Officer with certificate of certain dates

73.—(1) The Returning Officer shall, before the opening of the poll, obtain from the clerk of the municipality, a certificate, Form 14, shewing the day fixed for the assessor to begin to make the assessment roll on which the Voters' List proper to be used for the purposes of the election is based, and the last day on which a complaint could be made to the Judge in respect of the List.

Clerk to give certificates.

(2) The Clerk shall furnish the certificates upon being required so to do by the Returning Officer or any other person who applies for the same, and in case of neglect or refusal, shall incur a penalty of \$200.

Fee.

(3) For every such certificate the Clerk shall be entitled to receive the sum of twenty-five cents.

Entry of certificates in poll books.

(4) The Returning Officer immediately after receiving the certificates shall enter copies, thereof in the proper poll books and shall certify thereunder that the same are true copies of the original certificates received by him from the clerk.

Certificate to be evidence of dates.

(5) The copies of the certificates in the poll book shall be the evidence upon which the Deputy Returning Officer shall act in inserting in the oath to be administered to a voter

voter the date for beginning to make the assessment roll, or the last day for making complaints. R.S.O. 1897, c. 9, s. 76.

Voters' Lists.

74. Subject to the provisions of the next succeeding five sections, the first and third parts of the last voters' list certified by the Judge and delivered or transmitted to the Clerk of the Peace, under *The Ontario Voters' Lists Act*, before the date of the writ, shall be the proper voters' list under the said Act for the election. R.S.O. 1897, c. 9, s. 77.

What voters' list to be used.

7 Edw. VII., c. 4.

75. If a municipal council has by by-law divided the municipality into polling subdivisions in accordance with the provisions of *The Municipal Act*, and the time for appealing from the by-law has expired, and no voters' lists for the subdivisions have been filed with the Clerk of the Peace, as required by *The Ontario Voters' Lists Act*, but a voters' list of the municipality or of the wards therein has been duly certified by the Judge, such list shall be the proper voters' list under the said Act for the election. R.S.O. 1897, c. 9, s. 79.

Where time for appealing from by-law making polling subdivisions has expired, and no voters' lists filed.

76.—(1) Where territory is added for municipal purposes to a city, town or incorporated village constituting or forming part of an electoral district other than that of which such territory previously formed part, or where a town with additional territory is erected into a city, or a village with additional territory is erected into a town, or a village is formed including territory which formed part of an electoral district other than that of which the village forms part, and an election takes place before any voters' list for the city, town or village, including the names of persons entitled to vote in such territory has been made out and certified by the Judge, then all persons who would have been qualified voters if such territory had remained separate from the city, town or village and if the election had been for the electoral district of which such territory had formed part, shall be entitled to vote in the city, town or village. R.S.O. 1897, c. 9, s. 80.

Where new territory, added to city, town or village and no voters' list which includes such new territory.

(2) In every such case the Clerk of the Peace under the direction of the Returning Officer shall extract from the proper voters' lists the names of the voters entitled to vote in such territory, and shall add them to the proper polling list. R.S.O. 1897, c. 9, s. 81.

Duty of Returning Officer in cases of added territory as to voters' lists.

(3) This section shall cease to have any force or effect on the dissolution of the present Legislative Assembly.

Where voters' list embraces portions of Electoral Districts.

77. Where a voters' list embraces territory forming part of two or more electoral districts, the Clerk of the Peace under the direction of the Returning Officer shall enter the names of the voters in such territory in the proper polling list. R.S.O. 1897, c. 9, s. 82.

Municipalities where there is an assessment roll but no voters' list filed or certified

78.—(1) In the case of a municipality formed out of territory without previous municipal organization for which there is an assessment roll but for which no voters' list has been certified by the Judge under *The Ontario Voters' Lists Act*, the Returning Officer shall obtain from the Clerk of the Municipality a list for every polling subdivision containing the names alphabetically arranged of all persons appearing by the then last revised assessment roll to be entitled to vote in that polling subdivision and he shall certify the said lists in writing. 3 Edw. VII. c. 19, s. 151 (1).

(2) Every list so prepared, shall be the proper voters' list for the election for the municipality or polling subdivision. R.S.O. 1897, c. 9, s. 83, *part*.

7 Edw. VII., c. 4.

(3) Where the voters' list has been certified by the Judge at least ten days before the polling day, but has not been filed with the Clerk of the Peace before the date of the writ of election it shall nevertheless be the proper list under *The Ontario Voters' Lists Act* for the municipality. (*New*.)

Preparation of Polling Lists by Clerk of the Peace.

Clerk of the Peace to prepare lists of voters.

79.—(1) Every Returning Officer, upon granting a poll shall forthwith obtain from the Clerk of the Peace a polling list for each polling subdivision in the electoral district which shall be a true copy of the proper voters' list or of the proper voters' list and the list of Manhood Suffrage Voters, as the case may be, for the polling subdivision, and the Returning Officer shall immediately cause the polling lists to be delivered to the Deputy Returning Officers. R.S.O. 1897, c. 9, s. 84, (1).

Lists for additional polling places.

(2) Where a Returning Officer instead of subdividing a polling subdivision provides additional polling places he shall obtain from the Clerk of the Peace as many polling lists as may be necessary for such additional polling places, and the Clerk of the Peace shall enter thereon the name of every person appearing to be entitled to vote at the polling place for which such polling list is required. 2 Edw. VII. c. 7, s. 4.

When Clerk to perform duties of Clerk of the Peace.

(3) The Clerk of the Municipality who has the custody of a voters' list shall if required by the Returning Officer discharge the duties by this section assigned to the Clerk of the Peace, and he shall also perform the like duties as to the voters' list mentioned in subsection 3 of section 78. R.S.O. 1897, c. 9, s. 84 (2).

80.—(1) In the case of cities and towns to which *The Manhood Suffrage Registration Act* applies, the Clerk of the Peace, when preparing a list of voters appearing to be entitled to vote within the subdivision or at the polling place for which the list is required, shall write at the beginning of each list in red ink, the words "Part I, Voters entitled according to the joint Municipal and Assembly list," and shall enter on that part of the list in alphabetical order the names of all persons who according to the proper voters' list are entitled to vote at both Municipal Elections and Elections to the Assembly, and no other names. R.S.O. 1897, c. 9, s. 85 (1); 2 Edw. VII. c. 7, s. 5. Mode of entering names.

(2) When the Clerk of the Peace has completed the list of names, as aforesaid, he shall write on the line immediately below the last of the names the following words, in red ink, "Part II. Voters entitled under Manhood Suffrage" and shall then enter on that part of the list in alphabetical order the names of all persons appearing on the last list of voters prepared under *The Manhood Suffrage Registration Act*. Entry at end of each alphabetical list.
7 Edw. VII. c. 5.

(3) Where the list consists of more than one sheet or page he shall sign his name at the foot of each sheet or page, immediately after the last name thereon.

(4) He shall also deliver to the Returning Officer a sufficient number of certificates shewing the date on which, as appearing by the Registrar's certificate appended to his list, the first sittings was held for the preparation of the manhood suffrage voters' list. R.S.O. 1897, c. 9, s. 85, (2-5).

81.—(1) The Clerk of the Peace shall add to each polling list a certificate that it is a true copy of the proper voters' list or of the proper voters' list and the list of Manhood Suffrage Voters, as the case may be, for the polling division. Certificate of Clerk of Peace.

(2) The Clerk of the Peace or the Clerk of the Municipality as the case may be shall be paid by the Returning Officer the sum of six cents for every ten names of voters on the polling lists prepared by him. (See 3 Edw. VII. c. 19, s. 153 (2)). Fees.

Poll Clerks.

82.—(1) The Deputy Returning Officer shall, by a commission under his hand, Form 15, appoint a Poll Clerk to assist him in taking the poll; and the Poll Clerk before acting, shall take and subscribe the oath, Form 16. Appointment of Poll Clerks.

(2)

Penalty.

(2) Every person appointed Poll Clerk who refuses to accept, the office, or who, after having accepted it refuses or neglects either to take and subscribe the oath or to perform the duties of a Poll Clerk, shall incur a penalty of \$40. R.S.O. 1897, c. 9, s. 87 (1-2).

Poll Clerk to be a voter in local municipality.

(3) No person shall be appointed a Poll Clerk who is not a voter in the local municipality wherein the polling place to which he is appointed is situated or in the case of territory without municipal organization who is not a voter in the electoral district. 63 V. c. 4, s. 9.

Poll Clerk to aid Deputy Returning Officer.

83. The Poll Clerk shall assist the Deputy Returning Officer in the performance of the duties of his office, and shall obey his orders. R.S.O. 1897, c. 9, s. 88.

To act as Deputy Returning Officer in certain cases.

84. If the Deputy Returning Officer refuses or neglects to perform the duties of his office, or from any cause becomes unable to perform them, and if no other Deputy Returning Officer appointed by the Returning Officer appears at the polling place the Poll Clerk, under the same penalties as are hereinbefore imposed in like cases on a Deputy Returning Officer, shall act as Deputy Returning Officer, and perform all the duties and be subject to all the obligations of that office, without taking the oath of a Deputy Returning Officer. R.S.O. 1897, c. 9, s. 89.

In which case he may appoint another Poll Clerk.

85. Where a Poll Clerk acts as Deputy Returning Officer, he may appoint by a commission under his hand, Form 15, another person as Poll Clerk, to assist him in the performance of the duties of his office, and may administer to him the oath, and such commission and oath shall be endorsed on or attached to the poll book. R.S.O. 1897, c. 9, s. 90.

Deputy Returning Officer may appoint another Poll Clerk in certain cases.

86. If a Poll Clerk refuses or neglects to perform the duties of his office or from any cause becomes unable to perform them, the Deputy Returning Officer may appoint another person as Poll Clerk, and the commission and the oath shall be endorsed on or attached to the poll book. R.S.O. 1897, c. 9, s. 91.

Constables.

Constable at polling place.

87 The Deputy Returning Officer may appoint a constable to preserve order at the polling place. (*New.*)

Where Voters to Vote.

Voter to vote in subdivision in which he resides.

88.—(1) Subject to the provisions of the next succeeding section, if the name of a person entitled to vote is entered on the polling list for more than one polling subdivision he shall vote only at the polling place for the subdivision

division in which he resides, if entitled to vote in such subdivision. R.S.O. 1897, c. 9, s. 92.

(2) Subject to the provisions of the next succeeding section, where a voters' list has been prepared under Part III. of *The Ontario Voters' Lists Act*, every person named therein may vote at the polling place on the list for which he is entered and not elsewhere. R.S.O. 1897, c. 9, s. 93.

Where voter to vote where no assessment roll.

7 Edw. VII, c. 4.

(3) A person who votes in contravention of this section shall incur a penalty of \$200.

Penalty.

89.—(1) The Returning Officer on the request of any person entitled to vote who has been appointed Deputy Returning Officer or Poll Clerk, or agent of any of the candidates at a polling place other than the one where he is entitled to vote, shall give to such person a certificate that he is entitled to vote at the polling place where he is stationed during the polling day, and the certificate shall bear the date upon which it is signed.

Deputy Returning Officers and agents may vote at polling places where they are employed.

(2) The Returning Officer shall not give such certificate until he has ascertained by reference to the polling list that the applicant is entitled to vote and after giving such certificate he shall forthwith give notice in writing thereof to the Deputy Returning Officer for the polling subdivision or polling place in which the applicant appears by the polling list to be entitled to vote, and the person to whom the certificate has been given shall not thereafter be entitled to vote in such polling subdivision or polling place.

Officers and agents voting where stationed.

(3) The Returning Officer shall not be required to give a certificate under this section unless requested to do so at least two days before polling day, and he shall be entitled to a fee of ten cents for every certificate.

Certificate to agent, etc., to vote where stationed.

(4) The certificate shall name the polling place at which the agent is to be permitted to vote and shall be signed by the Returning Officer. R.S.O. 1897, c. 9, s. 94, (1); 63 V. c. 4, s. 10; 4 Edw. VII. c. 3, s. 2.

(5) The Returning Officer shall, before delivering the certificate, enter in a list the name, residence and occupation of every person to whom he has given a certificate under this section, the polling place at which such person is under the certificate, authorized to vote, and the polling subdivision or polling place in or at which such person appears by the polling list to be entitled to vote and state therein whether the certificate is granted to him as Deputy Returning Officer, Poll Clerk or agent, and if as agent, the name of the candidate for whom he is agent. The Returning Officer shall also enter in the list the name of every person applying for a certificate to whom it was refused,

Returning officer to keep a list of persons obtaining certificates

refused, with the ground of refusal, and, if the last mentioned person claimed to be the agent of a candidate the name of the candidate, and the list shall be open to inspection by a candidate or by his agent or by a voter. R.S.O. 1897, c. 9, s. 94 (7).

Limitation of number of certificates to agents of candidates.

(6) A Returning Officer shall not give certificates to more than two agents of the same candidate at one polling place and he shall not give a certificate under this section except upon the personal or written request of the applicant; a Returning Officer who gives a certificate in contravention of this subsection shall incur a penalty of \$400. R.S.O. 1897, c. 9, s. 94 (4).

On production of certificate of Returning Officer.

90. -(1) On the production of the certificate the voter shall have the right to vote at the polling place named therein; but the certificate shall not entitle a voter to vote there unless he has been actually engaged there as Deputy Returning Officer, Poll Clerk, or agent during polling day or entitle an agent to vote who is disqualified under section 13. R.S.O. 1897, c. 9, s. 94 (2).

Person receiving a certificate to take oath of qualification before voting

(2) A person who receives a certificate whether as Deputy Returning Officer, Poll Clerk or agent, shall not vote until he has taken one or other of the oaths of qualification, and any person violating the provisions of this subsection shall incur a penalty of \$400; and every vote cast in contravention of this subsection shall be null and void. R.S.O. 1897, c. 9, s. 94 (5).

Before whom oath to be taken

(3) The oath shall be administered to a Deputy Returning Officer by the Poll Clerk, and to a Poll Clerk or agent by the Deputy Returning Officer. R.S.O. 1897, c. 9, s. 94 (6).

Entry on list of persons voting under authority of a certificate.

(4) The Deputy Returning Officer shall enter, or cause to be entered in the column for remarks in the poll book, Form 2, opposite the name, residence and occupation of every person (including himself if he so votes) voting under the authority of a certificate, the words "Voted under Certificate."

Certificate to be delivered to Deputy Returning Officer by person voting.

(5) A person voting under the authority of a certificate shall deliver it to the Deputy Returning Officer before receiving his ballot paper. R.S.O. 1897, c. 9, s. 94 (8-9).

(6) The Deputy Returning Officer shall enclose all certificates in one envelope. (*New.*)

THE POLL.

Hours of voting.

91. The poll shall be opened at every polling place at nine o'clock in the forenoon, and shall be kept open until five in the afternoon of the same day, and the votes shall be given by ballot. R.S.O. 1897, c. 9, s. 63 (1).

92.—(1) The Deputy Returning Officer shall attend at the polling place at least fifteen minutes before the hour fixed for opening the poll.

(2) During such fifteen minutes, agents and voters entitled to be present in the polling place during polling hours shall be entitled to have the ballot papers intended for use thereat counted in their presence before the opening of the poll, and to inspect such ballot papers, and all other papers, forms and documents relating to the poll. R.S.C. c. 6, s. 141. (See 63 V. c. 4, s. 12 (Ont.).

Counting
ballots before
opening of poll

93. The Deputy Returning Officer shall, immediately before opening the poll, shew the ballot box to such persons as are present in the polling place, so that they may see that it is empty; and he shall then lock the box, and place his seal upon it in such manner as to prevent its being opened without breaking the seal; and he shall then place and shall keep the box on a desk, counter or table or otherwise so that it is raised above the floor in full view of all present and shall keep the box so locked and sealed. R.S.O. 1897, c. 9, s. 96; 63 V. c. 4, s. 11 (1), (2).

Deputy to
shew box
empty and lock
and seal it.

94. Not more than one voter for each compartment shall at any one time enter the room where the poll is held, and each voter upon so entering shall declare his name, place of residence and occupation, which particulars shall be entered in the poll book by the poll clerk, a consecutive number being prefixed to the name. R.S.C. c. 6, s. 147.

One voter only
for each com-
partment.

95. Subject to the provisions of section 90, the Deputy Returning Officer shall not receive the vote of any person whose name is not entered on the polling list, but shall receive the vote of every person whose name is entered thereon, provided that such person, if required by a candidate, or his agent, or by the Deputy Returning Officer takes the oath hereinafter mentioned.

Persons on
polling list to
be allowed to
vote on taking
oath if re-
quired.

(a) The oath to be taken by a voter shall be according to Form 17, except in a city or town for which a list of Manhood Suffrage voters has been prepared on which the name of the person offering to vote is entered, in which case the oath shall be according to Form 18, and except in territory without municipal organization in which the Voters' List was prepared under Part III. of *The Ontario Voters' Lists Act*, in which case the oath to be taken shall be according to Form 19.

Ordinary oaths.

7 Edw. VII.,
c. 4.

(b)

Oath where voter lives in an incorporated village belonging to two districts.

Rev. Stat. c. 6.

(b) Where the person offering to vote is a resident of an incorporated village which lies within two or more Electoral Districts and the Lieutenant-Governor in Council has issued a proclamation under section 12 of *The Act respecting Representation of the People in the Legislative Assembly* by reason of which the voters entitled to vote in the village are entitled to vote in the Electoral District in which they would have been entitled to vote if such village had not become incorporated, a change of residence from one part of the village to another, shall not deprive a person whose name is entered on the Polling List of his right to vote; and in the oath to be administered to any such voter the words "and that you are still actually and in good faith a resident of and domiciled within this Village," shall be substituted for the words "and that you are now actually residing and domiciled therein." This clause shall cease to have any force or effect after the dissolution of the present Legislative Assembly. R.S.O. 1897, c. 9, s. 98 (1).

Administration of oath to Deputy Returning Officer voting at his polling place.

96. If a Deputy Returning Officer votes at the polling place at which he has been appointed to act, the Poll Clerk, or in his absence, the agent of a candidate authorized to be present, may administer to him the oath to be taken by a voter. R.S.O. 1897, c. 9, s. 95.

Deputy Returning Officer must swear voters in certain cases.

97.—(1) Where a Deputy Returning Officer has reason to believe that a person offering to vote is not a qualified voter or has already voted, or tenders his vote under a false name or designation or personates or represents himself falsely as being on the polling list, the Deputy Returning Officer shall administer the prescribed oath to the voter, whether he has been required to do so or not.

Penalty.

(2) A Deputy Returning Officer who acts in contravention of this section shall incur a penalty of \$200. R.S.O. 1897, c. 9, s. 99.

Entries to be made in poll book as to voters.

98. The poll clerk shall enter in the poll book opposite the name of each voter voting the word "Voted" as soon as the ballot paper has been deposited in the ballot box, and shall enter in the same book the word "Sworn" or "Affirmed" opposite the name of each voter to whom the oath has been administered, and the words "Refused to be sworn" or "Refused to affirm" opposite the name of each voter who has refused to take any oath when he has been required so to do. R.S.C. c. 6, s. 171.

99.—(1) A person who has refused to take the oath Voter refusing to be sworn. when required so to do, shall not receive a ballot paper or vote; and the vote of such person if taken and received shall be null and void.

(2) A Deputy Returning Officer who receives such vote or causes the same to be received, shall incur a penalty of \$200. R.S.O. 1897, c. 9, s. 97, par. 6.

100. Every person who is entitled to vote shall receive from the Deputy Returning Officer a ballot paper on the back of which the Deputy Returning Officer has previously put his initials so placed as indicated in Form 12 that when the ballot is folded they can be seen without opening it and on the back of the counterfoil of which he has placed a number corresponding to that placed opposite the voter's name in the poll book. R.S.C. c. 6, s. 160. Deputy to put initials on back of ballot paper and number on counterfoil.

101. The Deputy Returning Officer shall, upon request Instructions to voter. of the voter instruct him how to mark and fold his ballot paper, but without inquiring or seeing for whom he intends to vote, except in the cases provided for by section 102. R.S.O. 1897, c. 9, s. 101.

102.—(1) The Deputy Returning Officer, on the application of any voter who is unable to read or is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, shall assist such voter by marking his ballot paper in the manner directed by such voter, in the presence of the Poll Clerk and of the agents of the candidates, or of the voters representing the candidates in the polling place, and of no other person. Voter incapacitated by blindness, etc.

(2) The Deputy Returning Officer shall require the voter making such application, before voting, to take before him the oath, Form 20. R.S.C. c. 6, s. 166.

(3) The Deputy Returning Officer shall enter in the column for remarks in the poll book opposite the voter's name, the reason why such ballot paper was marked by him. R.S.C. c. 6, s. 167.

103.—(1) Where a voter does not understand the English language the Deputy Returning Officer may employ an interpreter to translate the oath as well as any lawful questions necessarily put to the voter, and his answers; and the interpreter shall take the oath following:— Voters who cannot speak English.

“I swear (or affirm) that I will faithfully translate such oaths, declarations, questions and answers as the Deputy Returning Officer shall require me to translate at this election: So help me God.”

R.S.O. 1897, c. 9, s. 102.

(2)

(2) If no such interpreter is found or presents himself at the polling place the voter shall not be allowed to vote. R.S.C. c. 6, s. 168.

Mode of marking, folding and depositing ballot paper

104. The voter on receiving his ballot paper shall forthwith proceed into one of the compartments of the polling place, and there mark his ballot paper, making a cross with a black lead pencil within the white space containing the name of the candidate, or within the white spaces containing the names of the candidates for whom he intends to vote, and shall then fold the ballot paper so that the initials and stamp on the back of it and the number on the counterfoil can be seen without opening it, and hand it to the Deputy Returning Officer, who shall, without unfolding it, ascertain, by examining his initials, and the stamp and the number on the counterfoil, that it is the same ballot paper that he furnished to the voter, and shall then, in full view of all present, including the voter, remove the counterfoil and tear up or otherwise destroy it and place the ballot paper in the ballot box. R.S.C. c. 6, s. 162; (See R.S.O. 1897, c. 9, s. 103).

Voter to leave as soon as possible.

105. The voter shall vote without undue delay, and shall leave the polling place so soon as his ballot paper has been placed in the ballot box. R.S.O. 1897, c. 9, s. 103, *part*; (R.S.C. c. 6, s. 169).

Exclusion from balloting compartment.

106. While a voter is in a compartment for the purpose of marking his ballot paper no other person shall be allowed to enter the compartment, or to be in a position from which he can see for whom the voter marks his ballot paper. R.S.O. 1897, c. 9, s. 104.

Voter not to take his paper from polling place, etc.

107. A person who has received a ballot paper shall not take it out of the polling place; and a person who receives a ballot paper, and leaves the polling place without delivering it to the Deputy Returning Officer, or returns his ballot paper, declining to vote, shall forfeit his right to vote, and the Deputy Returning Officer shall make an entry in the poll book in the column for remarks, to the effect that such person received a ballot paper, but took it out of the polling place, or returned it declining to vote, as the case may be, and in the latter case the Deputy Returning Officer shall immediately write the word "Declined" upon the ballot paper, and shall preserve it to be returned to the Returning Officer. R.S.O. 1897, c. 9, s. 105.

Voter who alleges he has been personated.

108.—(1) If a person representing himself to be a voter applies for a ballot paper after another person has voted as such voter, he shall be entitled to receive a ballot paper and to vote after taking the oath, and otherwise establishing his identity to the satisfaction of the Deputy Returning Officer. R.S.C. c. 6, s. 164.

(2) The Deputy Returning Officer shall put on the back of the ballot paper his initials and a number corresponding to the number entered on the poll book opposite the name of the voter.

Initials and number to be put on back.

(3) The name of the voter shall be entered on the poll book, and a note shall be made of his having voted on a second ballot paper, and of the fact of the oath having been taken and of any objections made on behalf of any and of which of the candidates. R.S.C. c. 6, s. 165; (See R.S.O. 1897, c. 9, s. 107.)

Name of voter etc., to be entered in poll book.

109. A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used, shall upon returning it to the Deputy Returning Officer, be entitled to obtain another ballot paper, and the Deputy Returning Officer shall immediately write the word "cancelled" upon the first mentioned ballot paper and preserve it to be returned to the Returning Officer. R.S.O. 1897, c. 9, s. 109.

Ballot paper accidentally spoilt.

110. A person who applies for a ballot paper shall by so doing be deemed to have tendered his vote or to have offered to vote; and a person who has placed or caused to be placed his ballot paper in the ballot box, or has delivered it to the Deputy Returning Officer or Poll Clerk, for the purpose of having it placed in the ballot box, shall be deemed to have voted. R.S.O. 1897, c. 9, s. 110.

What shall be deemed a tender of a vote, and a voting.

111.—(1) In addition to the Deputy Returning Officer the Poll Clerk, the constable or constables, the candidates and their agents, not exceeding two in number for each candidate, and, in the absence of agents, two voters to represent each candidate on the request of such voters, and no others shall be permitted to remain in the polling place during the time the poll remains open and at the counting of the votes. R.S.C. c. 6, s. 137.

Who may be in polling place.

(2) An agent bearing a written authorization from the candidate shall always be entitled to represent him in preference to, and to the exclusion of, any two voters who might otherwise claim the right of representing such candidate. R.S.C. c. 6, s. 138.

112. A voter entitled to vote within a city or town shall, on the day of polling, for the purpose of voting, be entitled to absent himself from any service or employment in which he is then engaged or employed, from the hour of noon until the hour of two of the clock next thereafter, and a voter shall not, because of his so absenting himself, be liable to any penalty, or suffer or incur any reduction from the wages or compensation to which but for his absence he would have been entitled; Provided, that

Right of employee to time for voting.

Proviso.

this

this section shall not apply where a voter is by his employer permitted or allowed at any other period during the hours of polling, reasonable and sufficient time and opportunity to vote. R.S.O. 1897, c. 9, s. 63.

PROCEEDINGS AFTER THE CLOSE OF THE POLL.

Duties of Deputy Returning Officer after close of poll.

113. Immediately after the close of the poll, the Deputy Returning Officer shall first place all the cancelled and declined ballot papers in separate envelopes and seal them up, and shall then count the number of voters whose names appear by the poll book to have voted, and make an entry thereof on the line immediately below the name of the voter who voted last, thus;—*The number of voters who voted at this election in this polling place is (stating the number)*, and he shall sign his name thereto: then, in the presence and in full view of the persons entitled to be present, he shall open the ballot box and proceed to count the number of votes for each candidate, giving full opportunity to those present to examine each ballot. R.S.C. c. 6, s. 172.

What votes to be rejected.

114. In counting the votes the Deputy Returning Officer shall reject all ballot papers (herein called “rejected ballot papers”):—

- (a) Which have not been supplied by him; or
- (b) By which votes have been given for more candidates than are to be elected; or,
- (c) Upon which there is any writing or mark by which the voter can be identified, other than the number placed thereon by the Deputy Returning Officer in the case provided for by section 108; but no word, letter or mark written or made or omitted to be written or made by the Deputy Returning Officer on a ballot paper, shall avoid the same or warrant its rejection. R.S.C. c. 6, s. 173; R.S.O. 1897, c. 9, s. 112 (3); 6 Edw. VII. c. 7, s. 5 (2).

Objections to be noted.

115.—(1) The Deputy Returning Officer shall make a note of every objection taken to a ballot paper, by a candidate, or his agent or a voter present, and shall decide the objection subject to review on recount or on petition questioning the election or return.

(2) Each objection shall be numbered, and a corresponding number placed on the back of the ballot paper and initialed by the Deputy Returning Officer. R.S.C. c. 6, s. 174.

How ballots to be counted.

116.—(1) All the ballot papers not rejected by the Deputy Returning Officer shall be counted and an account kept

kept of the number of ballots cast for each candidate, and of the number of rejected ballot papers, and all the ballot papers indicating the votes given for each candidate respectively, shall be put into a separate envelope or parcel.

(2) All rejected, and unused ballot papers respectively, shall be put into separate envelopes or parcels, which shall be endorsed so as to indicate their contents, and shall be sealed by the Deputy Returning Officer, and any agent present may write his signature across the flap of the envelope or parcel and may also affix his seal. R.S.C. c. 6, s. 175.

Ballot papers to be put into parcels under seal.

117.—(1) The Deputy Returning Officer shall make out a statement in triplicate, Form 21, one part to remain attached to the poll book, another to be retained by him, and the third to be enclosed by him in a special envelope supplied for the purpose, which he shall seal and deposit in the ballot box. R.S.C. c. 6, s. 178.

Statement of result to be made by Deputy Returning Officer.

(2) The statement shall forthwith be signed by the Deputy Returning Officer and poll clerk and such of the candidates or their agents as may be present, and may desire to sign it. R.S.O. 1897, c. 9, s. 112 (7).

(3) The Deputy Returning Officer shall then deliver to each of the candidates, or to their agents, or, in the absence of the candidates and agents, to the voters present representing the candidates, a certificate, Form 22, of the number of ballots cast for each candidate, and of the number of rejected ballot papers; and he shall also, forthwith after the close of the poll, mail to each candidate, by registered post to his address stated in the ballot paper, a like certificate. R.S.C. c. 6, s. 179.

Certificate of result of poll.

118. The poll book, the polling list, the envelopes containing the ballot papers, and all other documents which served at the election shall then be placed in the large envelope supplied for the purpose, which shall then be sealed and placed in the ballot box. R.S.C. c. 6, s. 180.

Poll book, envelope, etc., to be placed in large envelope in ballot box.

119. The Poll Clerk, immediately after the completion of the counting of the votes, shall take and subscribe respectively the oath, Form 24. R.S.C. c. 6, s. 177.

Oath of Poll Clerk.

120.—(1) The Deputy Returning Officer shall then immediately lock and seal the box, and forthwith deliver it personally to the Returning Officer, and if he is unable to do so owing to illness or other imperative cause, he shall deliver it to the Poll Clerk, or where the Poll Clerk is unable to act, to some person chosen by the Deputy Returning Officer for the purpose of delivering it to the Returning Officer, and shall thereon or on a ticket attach

Ballot box to be delivered to Returning Officer.

ed thereto write the name of the person to whom the box has been delivered, and shall take a receipt therefor, and the poll clerk or person so chosen shall forthwith deliver the ballot box personally to the Returning Officer and shall take before him, the oath, Form 25. 63 V. c. 4, s. 15 (1).

Oath of Deputy
Returning
Officer.

(2) Forthwith thereafter the Deputy Returning Officer shall take and subscribe the oath, Form 23, and shall personally deliver or transmit it by registered post to the Returning Officer. (*New.*)

Duty of Return-
ing Officer on
receipt of
boxes.

121. The Returning Officer upon the receipt by him of any ballot box shall take every precaution for its safe keeping and for preventing any other person than himself and the Election Clerk from having access to it, and shall immediately on the receipt of each box seal it with his own seal in such a way that it cannot be opened without his seal being broken, and without effacing or covering the seals affixed thereto. 63 V. c. 4, s. 15 (2).

Count by Re-
turning Officer
and declara-
tion of result

122. The Returning Officer at the place, day and hour appointed by his proclamation, and after having received all the ballot boxes, shall open them, and the large envelope containing the poll books, but not any of the other sealed envelopes except the envelope containing the statement of the poll, and shall in the presence of the election clerk, and of the candidates or their representatives, if present, add up the votes given for each candidate from the statements of the poll contained in the ballot boxes, and shall forthwith declare to be elected the candidate having the largest number of votes. R.S.C. c. 6, ss. 183-4.

Casting vote.

123. Where, on the addition of votes by the Returning Officer, an equality of votes is found to exist between any two or more candidates, and an additional vote would entitle any of them to be declared elected, the Returning Officer shall give the additional or casting vote. R.S.C. c. 6, s. 185.

PROCEEDINGS IN CASE OF LOSS OR INJURY OF POLLING LIST OR OTHER DOCUMENTS.

Adjournment
of proceedings
where ballot
box not duly
delivered

124. If the ballot boxes are not all returned on the day fixed for adding up the votes, the Returning Officer shall adjourn the proceedings to a subsequent day, which shall not be more than a week later than the day originally fixed. R.S.C. c. 6, s. 186.

Where default
made by De-
puty Returning
Officer in re-
turning docu-
ments.

125. In case any Deputy Returning Officer has not enclosed in the ballot box the statement of the ballot papers counted by him as required by this Act, or if for any other cause, the Returning Officer cannot, at the day and hour

5a s.

appointed

appointed by him for adding up the votes, ascertain the number of votes given for each candidate, he may adjourn to a future day and hour the adding up of the votes, and so from time to time, such adjournment or adjournments not in the aggregate to exceed two weeks. R.S.C. c. 6, s. 187.

126. If the ballot boxes or any of them have been destroyed or lost, or, for any other reason, are not forthcoming by the time fixed for adding up the votes, the Returning Officer shall ascertain the cause and shall procure from each Deputy Returning Officer whose ballot box is missing, or from any other person having them, the statements and certificates of the number of votes given for each candidate or copies of them, the whole to be verified by oath. R.S.C. c. 6, s. 188.

Disappearance of ballot boxes, duty of Returning Officer.

127. If the statements and certificates, or any of them, or copies of them, cannot be procured, the Returning Officer shall ascertain by such evidence as he is able to obtain, the total number of votes given for each candidate at the several polling places; and may summon any Deputy Returning Officer, Poll Clerk, or other person, to appear before him at a time and place to be named by him, with all necessary papers and documents, of which time and place and of the intended proceedings the candidates shall have notice; and the Returning Officer may examine on oath such Deputy Returning Officer, Poll Clerk, or other person, respecting the matter in question. R.S.C. c. 6, s. 189.

Procedure by Returning Officer where lists, statements, etc., cannot be found.

128. In case of an adjournment by reason of any Deputy Returning Officer not having placed in the ballot box a statement of the ballot papers counted by him, the Returning Officer shall, in the meantime, use all reasonable efforts to ascertain the number of votes given for each candidate at the polling place of such Deputy Returning Officer, and shall have the powers conferred by the next preceding section. R.S.C. c. 6, s. 190.

When Deputy Returning Officer has neglected to deliver statement of result

129. The Returning Officer shall return the candidate having the largest number of votes, and shall mention specially, in a report to be sent with the return, the circumstances accompanying the disappearance of the ballot boxes, or the want of any statement as aforesaid, and the mode by which he ascertained the number of votes given for each candidate. R.S.C. c. 6, s. 191.

Special report by Returning Officer.

RECOUNT OR FINAL ADDITION BY COUNTY JUDGE.

130.—(1) If within four days after that on which the Returning Officer has made addition of the votes for the purpose of declaring any candidate elected, upon the application

Where recount may be had.

cation of a candidate or a voter, it is made to appear by affidavit to the Judge of the County Court of the county in which the electoral district or any part of it is situate that a Deputy Returning Officer has in counting the votes,—

- (a) Improperly counted any ballot paper, or;
- (b) Improperly rejected any ballot paper, or;
- (c) Made an incorrect statement of the number of ballots cast for any candidate, or;
- (d) That the Returning Officer has improperly added up the votes,

Deposit of
applicant.

and if the applicant deposits within the said time with the Clerk of the County Court the sum of one hundred dollars in legal tender, or in the bills of any chartered bank doing business in Canada, as security for the costs, in connection with the recount or final addition, of the candidate appearing by the addition to be elected, the judge may appoint a time and place to recount or finally add up the votes cast at the election.

What judge to
hold recount
when district
in two or more
counties.

(2) Where an electoral district comprises parts of two or more counties the application shall be made to and the recount or final addition shall take place before the Judge of the County Court of the county having the larger or largest population according to the last Dominion census. (*New.*) (See R.S.C. c. 6, s. 193.)

Notice of time
and place of
recount

131. At least two days' notice in writing of the time and place appointed, shall be given to the candidates and to the Returning Officer and the Election Clerk, and the Judge may, at the time of the application or afterwards, direct that service of the notice upon the candidates, the Returning Officer, and the Election Clerk, may be substitutional, or may be made by mail, or in such other manner as he thinks fit. R.S.C. c. 6, s. 194.

Returning
Officer not to
make return
till receipt of
certificate
from County
Judge.

132. The Returning Officer after the receipt of the notice shall delay making his return to the Clerk of the Crown in Chancery until he receives a certificate from the Judge of the result of the recount or final addition, and upon receipt of the certificate shall proceed to make his return. R.S.O. 1897, c. 9, s. 130.

Presence of
County Court
Clerk.

133. The Judge may require the Clerk of the County Court to be present at the time and place appointed. R.S.O. 1897, c. 9, s. 124 (7).

Summoning
officers to be
present with
documents.

134.—(1) The Returning Officer and his Election Clerk shall attend at the time and place appointed with the envelope containing the ballot papers, or the original statements of the poll, as the case may be. R.S.C. c. 6, s. 195.

(2)

(2) The ballot papers and original statements shall continue in the custody of the Returning Officer, and he shall be responsible for them, subject to any directions which the Judge may give in respect thereto. R.S.O. 1897, c. 9, s. 131.

Production and custody of ballot papers on a recount.

135.—(1) The Returning Officer and the Election Clerk shall be present at the recount or final addition, and each candidate shall be entitled to be represented by not more than three agents, and may himself be present.

Who to be present at recount.

(2) Where a candidate is not represented, any three voters who declare their desire to attend on his behalf, shall be entitled to attend.

(3) Except with the sanction of the Judge, no other person shall be present. R.S.C. c. 6, s. 196.

136. At the time and place appointed, and in the presence of the said persons, the Judge shall make such final addition from the statements contained in the ballot boxes returned by the Deputy Returning Officers, or recount all the votes or ballot papers returned by the several Deputy Returning Officers, as the case may be, and shall, in the latter case, open all the sealed envelopes containing,—

Procedure by Judge.

- (a) The used ballot papers which have been counted;
- (b) The rejected ballot papers;
- (c) The cancelled ballot papers;
- (d) The declined ballot papers;
- (e) The unused ballot papers;

R.S.C. c. 6, s. 197.

137.—(1) The Judge shall, as far as practicable, proceed continuously, allowing only time for refreshment, and excluding, except so far as he and the persons present agree, the hours between six o'clock in the afternoon and nine in the succeeding forenoon.

Recount to be proceeded with continuously.

(2) During such excluded time and time for refreshment the Judge shall place the ballot papers and other documents relating to the election close under his own seal and the seals of such of the persons present as desire to affix their seals, and shall otherwise take all necessary precautions for the security of such papers and documents. R.S.C. c. 6, s. 198.

Care of documents during proceedings

138. The Judge shall, in the case of a recount, proceed according to the rules for the counting of the ballot papers at the close of the poll by a Deputy Returning Officer, and shall verify and correct the statement of the poll, Form 21. R.S.C. c. 6, s. 199.

Rules to govern Judge in proceedings.

Sealing up ballots at close of recount.

139.—(1) Upon the completion of the recount the Judge shall seal up all the ballot papers in their separate envelopes, and upon the completion of a final addition he shall seal up the original statements in their respective envelopes. R.S.C. c. 6, s. 200.

(2) Where either party requests him to do so the judge shall number on the back, the disputed ballots and enclose them in a separate envelope. (*New.*)

Reviewing decision of Returning Officer when ballot box or documents missing.

140.—(1) The Judge shall, if necessary or required, review the decision of the Returning Officer with respect to the number of votes given for a candidate at any polling place, where the ballot box used was not forthcoming when he made his decision, or when the proper statements or papers were not found therein.

(2) For the purpose of arriving at the facts, the Judge shall have all the powers of the Returning Officer with regard to the attendance and examination of witnesses or he may act upon the evidence taken by the Returning Officer. R.S.C. c. 6, s. 201.

When Judge to send in certificate.

141.—(1) The Judge shall delay sending his certificate to the Returning Officer for two days after the completion of the recount or final addition in order to allow of an appeal as hereinafter provided.

(2) If no notice of appeal is given to the Judge within two days after the completion of the recount or final addition, the Judge shall certify the result to the Returning Officer forthwith, who shall then forthwith declare to be elected the candidate having the largest number of votes. R.S.O. 1897, c. 9, s. 128.

Casting vote if Judge certifies equality of votes.

(3) In case of an equality of votes, the Returning Officer shall give the casting vote. R.S.C. c. 6, s. 202.

Costs.

142.—(1) The costs of the recount or final addition shall be in the discretion of the Judge who may order by whom, to whom, and in what manner the same shall be paid. (*New.*)

Taxing and allowing costs.

(2) The Judge shall tax the costs, and shall, as nearly as may be, follow the tariff of costs with respect to proceedings in the County Court. R.S.C. c. 6, s. 204.

Deposit, disposal of.

143. Where costs are directed to be paid by the applicant, the moneys deposited as security for costs shall be paid out to the party entitled thereto, so far as necessary. If the deposit is insufficient, execution may issue out of the County Court upon the Judge's order for the balance. R.S.C. c. 6, s. 205.

Recovery of costs if deposit not sufficient.

Appeal

Appeal from Decision on Recount or Final Addition.

144.—(1) If a party desires to appeal from the decision of the Judge he may do so on giving notice in writing to the opposite party and to the Judge of his intention to appeal within two days after the completion of the recount or final addition, and he may by the notice limit the appeal to specified ballots. The notice may be served upon the opposite party personally, or upon the solicitor who acted for him upon the recount or final addition personally or at his office, or as a Judge of the Court of Appeal may direct.

Appeal from decision of Judge on recount.

Service of notice of appeal.

(2) Where the appeal is limited, the Judge of the County Court shall seal up the ballots which are the subject of appeal in a separate packet and shall forward them together with the notice and a certificate showing his findings as to the ballots in dispute by registered post to the Registrar of the Court of Appeal, but if the appeal is not limited the Judge shall forward all the ballot papers and other papers to the Registrar, and in either case he shall await the result of the appeal before sending his certificate to the Returning Officer. The Judge shall upon request allow each party to make a copy of the certificate of his findings before it is forwarded to the Registrar of the Court of Appeal.

Ballots, etc., to be forwarded to Registrar of Court of Appeal.

(3) On receipt of the ballot papers and notice the Registrar shall forthwith obtain an appointment from one of the Judges of the Court of Appeal for hearing the appeal and shall notify the parties or their solicitors of the time so appointed.

Appointment for hearing of appeal.

(4) The time appointed for hearing the appeal shall not be more than four days from the date of the appointment.

When appeal may be heard.

(5) At the time appointed the Judge of the Court of Appeal shall recount the ballot papers or such of them as are the subject of appeal, or review the final addition as the case may be, and shall forthwith certify his decision to the Judge of the County Court, whose duty it shall be to conform to the decision, and to certify the result without delay to the Returning Officer.

Procedure on hearing of appeal: certificate of result.

(6) The Judge of the Court of Appeal may direct by and to whom the costs of the appeal shall be paid. R.S.O. 1897, c. 9, s. 129.

Costs of appeal.

ELECTION RETURN.

145.—(1) The Returning Officer shall immediately after the sixth day after the final addition by him of the number of votes given for each candidate, unless before that time

When return to be made.

time he receives notice that he is required to attend before a Judge for the purpose of a recount or final addition of the votes given at the election and where there has been a recount or final addition, immediately after the receipt of the certificate of the result, transmit his return to the Clerk of the Crown in Chancery that the candidate having the largest number of votes has been duly elected, and shall forward to each of the candidates a duplicate or copy thereof, and such return shall be in Form 26. R.S.C. c. 6, s. 211. See R.S.O. 1897, c. 9, s. 136.

(2) The Returning Officer shall accompany his return to the Clerk of the Crown in Chancery with a report of his proceedings, in which he shall make any observations he thinks proper as to the state of the ballot boxes or ballot papers as received by him. R.S.C. c. 6, s. 213.

Returning
Officer to
transmit to
Clerk of the
Crown in
Chancery
the ballot
papers, etc.

146.—(1) The Returning Officer shall at the same time transmit to the Clerk of the Crown in Chancery, enclosed in a box or other covering, sealed with the seal of the Returning Officer the writ, the stamp furnished him for stamping the ballot papers, the list mentioned in subsection 5 of section 89, all the envelopes containing ballot papers in his possession, declarations of inability to read or to mark, poll books and all other documents sent to him by the Deputy Returning Officers.

(2) The Returning Officer shall endorse on the package a description of its contents, and the date of the election to which they relate, and also the name of the electoral district for which the election was held, and shall affix to the outside of the package a label showing distinctly the electoral district to which the contents relate and the date of the election.

(3) The package shall be sent by express or by registered post.

Oath of Re-
turning Officer
after transmit-
ting return.

(4) An affidavit, Form 27, shall be made by the Returning Officer forthwith after transmitting his return, and shall be forthwith transmitted by him to the Clerk of the Crown in Chancery, by registered post. R.S.O. 1897, c. 9, s. 135.

FAILURE TO MAKE RETURN.

Application to
compel Return-
ing Officer to
add up votes,
make return,
etc.

147.—(1) If a Returning Officer wilfully delays, neglects or refuses,

(a) To add up the votes; or

(b) To declare to be elected the candidate having the largest number of votes; or

(c)

(c) To give his casting vote where he is by law required to do so.

(d) To make the return as required by this Act of the candidate having the largest number of votes

the person aggrieved or any voter who voted at the election may apply to a Judge of the High Court for a mandamus commanding the Returning Officer to perform the duty which he is shewn to have omitted.

(2) The notice shall be served upon the Returning Officer and upon any person who was a candidate at the election.

(3) In other respects the provisions of *The Judicature Act* and of the Rules made thereunder shall apply to such application.

(4) Nothing in this section contained shall affect or impair any other right or remedy of the person aggrieved. (*New.*)

PUBLICATION OF RETURN.

148. The Clerk of the Crown in Chancery shall, on receiving the return of a member elected to the Assembly, give in the next ordinary issue of the *Ontario Gazette*, notice of the receipt of the return, the date of such receipt, and the name of the candidate elected. R.S.O. 1897, c. 9, s. 139.

Notice of return in Ontario Gazette.

CUSTODY OF ELECTION PAPERS.

149.—(1) The Clerk of the Crown in Chancery shall, subject to the provisions of this Act, retain in his possession the documents transmitted to him by a Returning Officer, under section 146, for at least one year, and, if the election is contested, then for one year after the termination of the contestation, and shall then destroy them by fire. R.S.O. 1897, c. 9, s. 137 (1).

How long to be retained and when to be destroyed.

(2) The Clerk of the Crown in Chancery shall keep all documents relating to a general election in a room or vault separate from that in which documents relating to by-elections are kept.

How to be kept by Clerk of the Crown in Chancery.

(3) If notice of the presentation of a petition is received by the Clerk of the Crown in Chancery or, if an order is made directing that documents relating to an election are not to be destroyed, he shall affix to the outside of the box or covering containing such documents a label having thereon, in large and distinct letters the words "Not to be destroyed." 63 V. c. 4, s. 20.

Marking boxes when not to be destroyed.

INSPECTION OF DOCUMENTS, BALLOT PAPERS, ETC.

Inspection of
other docu-
ments.

150. All documents forwarded by a Returning Officer in pursuance of this Act, to the Clerk of the Crown in Chancery, other than ballot papers, shall be open to public inspection, at such time and under such regulations as may be prescribed by the Clerk of the Crown in Chancery with the approval of the Speaker of the Assembly; and the Clerk of the Crown in Chancery shall supply copies of or extracts from the documents to any person demanding the same, on payment at the rate of ten cents for each one hundred words, and in computing the number of words a figure shall be counted as a word. R.S.O. 1897, c. 9, s. 142.

Inspection to
be under order
of Judge.

151.—(1) No person shall be allowed to inspect any ballot paper in the custody of the Clerk of the Crown in Chancery except under an order of a Judge of the Supreme Court.

When order to
be granted.

(2) The order may be made on the Judge being satisfied by affidavit or other evidence on oath that the inspection or production of such ballot paper is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return.

Conditions
of order.

(3) The order may be made subject to such conditions as the Judge may think proper. R.S.O. 1897, c. 9, s. 140.

Where inspec-
tion to take
place.

(4) Subject to the provisions of the order, the inspection shall take place under the immediate supervision of the Registrar of the Court of Appeal at his office in Osgoode Hall and he shall be present during the inspection. So long as the ballot papers are in the custody of the Registrar and not under inspection, they shall be kept in a secure place under lock and key. 62 V. (2), c. 5, s. 5.

Evidence as to
documents,
ballot papers,
etc., in certain
cases.

152. Where an order is made by a Judge of the Supreme Court for the production by the Clerk of the Crown in Chancery of any document in his possession relating to an election, the production of it by the Clerk or his agent, in such manner as may be directed by the order, shall be evidence that the document relates to the election; and any endorsement appearing on any envelope containing ballot papers so produced, shall be evidence that the contents are what they are stated to be by the endorsement. R.S.O. 1897, c. 9, s. 143, part.

PRESERVATION OF THE PEACE.

Returning
Officers and
Deputy Return-
ing Officers to
be conservators
of the peace.

153. A Returning Officer and a Deputy Returning Officer from the time he takes the oath of office until the day after the closing of the election shall be a conservator of the peace

peace, and shall be invested with all the powers appertaining to a justice of the peace. R.S.O. 1897, c. 9, s. 144.

154. A Returning Officer and a Deputy Returning Officer may require the assistance of justices of the peace, constables and other persons, to aid him in maintaining peace and good order at the election and may also swear in so many special constables as he may deem necessary. R.S.O. 1897, c. 9, s. 145.

Constables and justices of the peace.

155. On a requisition in writing made by a candidate or by his agent, or by two or more voters, a Returning Officer or Deputy Returning Officer shall swear in so many special constables as may be necessary. R.S.O. 1897, c. 9, s. 146.

Special constables to be sworn in in certain cases.

156. A Returning Officer or Deputy Returning Officer may arrest or by verbal order cause to be arrested, and placed in the custody of any constable or other person, any person disturbing the peace and good order at the election, and may cause such person to be imprisoned under an order signed by him until an hour not later than the close of the nomination or of the poll as the case may be. R.S.O. 1897, c. 9, s. 147. (See R.S.C. c. 6, s. 231).

Arrest and imprisonment on verbal order.

157. A Returning Officer or Deputy Returning Officer may, during the nomination day and polling day, require any person within half a mile of a place of nomination or of a polling place to deliver to him any firearm, sword, or offensive weapon in the hands or personal possession of such person. R.S.O. 1897, c. 9, s. 149. (See R.S.C. c. 6, s. 232).

Requiring delivery up of weapons on nomination and polling days.

158. Except Peace Officers and the Returning Officer, the Election Clerk, the Deputy Returning Officer, the poll clerk, and the constables and special constables appointed by the Returning Officer or the Deputy Returning Officer for the orderly conduct of the nomination or poll, and the preservation of the public peace thereat, no person shall approach within the distance of one mile of a place of nomination, or of a polling place armed with any firearm, sword, or offensive weapon, unless called upon so to do by lawful authority. R.S.O. 1897, c. 9, s. 151.

Armed persons not to come within one mile of nomination or polling place.

159.—(1) No person shall furnish or supply

(a) Any ensign, standard, set of colours or other flag

or

(b) Any ribbon, label or like favour

Supply or use of party flags, etc., prohibited.

to

to or for any person with intent that it shall be carried, used or worn in the Electoral District on polling day or within eight days before such day or during the continuance of the Election by any person as a party flag or badge to distinguish the bearer or wearer and those who follow such party flag or badge as the supporters of any candidate or of the political or other opinions entertained or supposed to be entertained by a candidate.

(2) No person shall carry, use, or wear

(a) Any ensign, standard, set of colours or other flag or

(b) Any ribbon, label or like favour

as a party flag or badge within the Electoral District on nomination day or polling day or within eight days before such last mentioned day or during the continuance of the election. (*New.*) (See R.S.O. 1897, c. 9, ss. 152, 153.)

SECRECY OF PROCEEDINGS.

Maintaining
secrecy of
proceedings.

160.—(1) Every person in attendance at a polling place or at the counting of votes shall maintain and aid in maintaining the secrecy of the voting. R.S.O. 1897, c. 9, s. 155 (1), (4); 5 Edw. VII. c. 4, s. 5 (1); 6 Edw. VII. c. 7, s. 7 (2).

Interference
with voters.

(2) No person shall interfere or attempt to interfere with a voter when marking his ballot paper, or attempt to obtain at the polling place information as to the candidate for whom a voter is about to vote or has voted. R.S.O. 1897, c. 9, s. 155 (2).

Communicat-
ing inform-
ation as to how
voter is voting.

(3) No person shall communicate any information obtained at a polling place as to the candidate for whom a voter at such polling place is about to vote or has voted. R.S.O. 1897, c. 9, s. 155 (3); 5 Edw. VII. c. 4, s. 5 (2); 6 Edw. VII. c. 7, s. 7 (1).

Inducing voter
to display
ballot after
marking.

161. No person shall, directly or indirectly, induce or attempt to induce a voter to show his ballot paper after he has marked it, so as to make known to any person the name of the candidate for whom he has voted. R.S.O. 1897, c. 9, s. 155 (5).

Communicat-
ing inform-
ation as to
number on
back of ballot.

162. No person shall communicate at any time to any person any information as to the number on the back of the ballot paper given to any voter at a polling place under the provisions of section 108, except to a court or Judge lawfully

lawfully requiring him so to do, or attempt to ascertain at the counting of the votes the number on the back of any such ballot paper. (*New.*) (See R.S.C. c. 6, s. 223.)

163. Subject to the provisions of section 102 a voter shall not show his ballot paper, when marked, to any person so as to allow the name of the candidate for whom he voted to be known. R.S.C. c. 6, s. 221. Voter not to display marked ballot.

164. Every Returning Officer and every officer, clerk, constable, agent and other person authorized to attend at a polling place, or at the counting of the votes, shall, before entering on his duties take the oath of secrecy, Form 28. R.S.O. 1897, c. 9, s. 156. Oath of secrecy.

165.—(1) If a Returning Officer, Election Clerk, Deputy Returning Officer or Poll Clerk becomes aware, or has reason to believe or suspect, that any provision of the law as to secrecy has been violated he shall communicate the particulars, with all convenient speed, to the County Crown Attorney. Proceedings where officers aware of violation of secrecy.

(2) The County Crown Attorney who shall on receiving such information from such officer or from any other person forthwith enquire into the case and if proper prosecute the offender. R.S.O. 1897, c. 9, s. 157.

166. A person who has voted shall not in any legal proceeding questioning the election or return be compelled to state for whom he voted. R.S.O. 1897, c. 9, s. 158. No one compellable to disclose his vote.

CORRUPT PRACTICES AND OTHER ILLEGAL ACTS.

167.—(1) Every person who:—

Bribery, who guilty of.

(a) Directly or indirectly, himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or promises to procure, or to endeavour to procure any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any person, in order to induce any voter to vote, or refrain from voting or corruptly does any such act on account of any voter having voted or refrained from voting at an election; or Bribing voter or procuring bribery by money.

(b) Directly or indirectly, himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers or promises any office, By gift or offer or promise of employment.

office, place or employment, or promises to procure or to endeavour to procure any office, place or employment to or for any voter, or to or for any other person, in order to induce any voter to vote, or refrain from voting, or corruptly does any such act on account of any voter having voted or refrained from voting at an election; or

To induce anyone to procure return of candidate.

(c) Directly or indirectly, himself or by any other person on his behalf, makes any gift, loan, offer, promise, procurement or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in the Assembly, or the vote of any voter at an election; or,

Receiving bribe to procure return of candidate.

(d) Upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, or promises or endeavours to procure the return of any person to serve in the Assembly, or the vote of any voter at an election; or

Advancing money to be spent in corrupt practices.

(e) Advances or pays, or causes to be paid, money to or to the use of any other person, with the intent that such money or any part thereof shall be expended in corrupt practices at an election, or who knowingly pays or causes to be paid money to any person in discharge or repayment of money wholly or in part expended in corrupt practices at an election; or

Applying for money or employment in consideration of voting,

(f) Directly or indirectly, himself or by any other person on his behalf, on account of, and as payment for voting or for his having voted, or for illegally agreeing or having agreed to vote for any candidate at an election, or on account of, and as payment for his having illegally assisted or agreed to assist any candidate at an election, applies to such candidate, or to his agent, for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration, or for any office, place or employment, or the promise of any office, place or employment; or

Receiving money, office, etc., for having voted.

(g) Before or during an election, directly or indirectly, himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office,

office, place or employment, for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at an election; or

(h) After an election, directly or indirectly, himself or by any other person on his behalf, receives any money or valuable consideration for having voted or refrained from voting, or for having induced any other person to vote or refrain from voting at an election; or

Receiving money corruptly after election.

(i) In order to induce a person to allow himself to be nominated as a candidate, or to refrain from becoming a candidate, or to withdraw if he has become a candidate, gives or procures any office, place or employment, or agrees to give or procure or offers or promises to procure, or endeavours to procure any office, place or employment for such person, or for any other person

Giving or promising office to induce candidate to stand or withdraw.

R.S.C. c. 6, s. 265.

shall be guilty of bribery, and shall incur a penalty of \$200 and shall also on conviction be imprisoned for a term of six months with or without hard labour;

Penalty.

(2) The actual personal expenses of a candidate, his reasonable expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising and other lawful and reasonable expenses in connection with the election, incurred by the candidate or any agent in good faith and without any corrupt intent, shall be deemed to be expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act. R.S.O. 1897, c. 9, s. 159 (2); 63 V. c. 4, s. 21.

Personal expenses of candidates.

(3) The distribution by a candidate or his agent of political pamphlets or other political literature; or the sending or causing to be sent to voters by a candidate or his agent, newspapers containing political articles, reports of political meetings or other matters of public interest during such election or for a reasonable time prior thereto shall not be deemed corrupt or illegal acts or a contravention of this Act. 62 V. (1), c. 4, s. 18.

Distribution of political literature.

168.—(1) A candidate shall not nor shall any other person, provide or furnish meat, drink, refreshment or provision at the expense of such candidate or other person at a meeting of voters assembled for the purpose of promoting the election, previous to or during the election, or pay or promise or engage to pay therefor; but nothing herein contained shall extend to any meat, drink, refreshment or provision furnished to any such meeting of voters

Furnishing meat, drink, etc., forbidden, except at residence of the person furnishing.

voters by or at the expense of any person at his usual place of residence, where such residence is a private house. R.S.O. 1897, c. 9, s. 161 (1); 62 V. (2), c. 5, s. 6.

Penalty.

(2) Every person offending against the provisions of this section shall be guilty of a corrupt practice and shall incur a penalty of \$100. R.S.O. 1897, c. 9, s. 161 (2).

Treating.

169.—(1) Every candidate who corruptly, himself or by or with any person, or by any other way or means on his behalf, at any time, either before or during an election, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expenses incurred for any meat, drink, refreshment or provision to or for any person, in order to be elected or for being elected, or for the purpose of corruptly influencing such person or any other person to vote or refrain from voting at an election, shall be guilty of a corrupt practice and shall incur a penalty of \$200 in addition to any other penalty to which he may be liable therefor. R.S.O. 1897, c. 9, s. 162.

Giving refreshments
prima facie
evidence of a
corrupt practice.

(2) The giving of meat, drink, refreshment or provision to voters extensively or generally, by a candidate, or by his agent, or the taking part therein by either of them, or giving the same wholly or partly at the expense of a candidate or his agent, shall *prima facie* be a corrupt practice within the meaning of this section. 62 V. (2), c. 5, s. 7.

Habit of
treating not
sufficient
answer.

(3) It shall not be a sufficient answer to a charge of a corrupt practice under this section that the person charged had been in the habit of treating. R.S.O. 1897, c. 9, s. 163 (2).

Wagering or
betting.

170.—(1) A candidate who, before or during the election makes a bet or wager, or takes a share or interest in, or in any manner becomes a party to, a bet or wager, upon the result of the election in the electoral district, or in any part thereof or on any event or contingency relating to the election, shall be guilty of a corrupt practice.

(2) A candidate or other person who provides money to be used by another in betting or wagering upon the result of the election in the electoral district or any part thereof, or on any event or contingency relating to the election, shall be guilty of a corrupt practice.

(3) A person who for the purpose of influencing an election makes a bet or wager on the result thereof in the electoral district or in any part thereof, or on any event or contingency relating thereto, shall be guilty of a corrupt practice. R.S.O. 1897, c. 9, s. 164.

Conveying
voters to poll.

171.—(1) A candidate who himself or by any other person on his behalf and every other person who:—

(a)

(a) Hires or promises to pay or pays for a conveyance to carry a voter to, or near or from or on the way to or from a polling place; or

(b) Pays the travelling or other expenses of a voter in going to or returning from a polling place

and every person who for a valuable consideration provides or furnishes a conveyance knowing that it is to be used to carry a voter other than the hirer to, or near, or from, or on the way to or from a polling place shall be guilty of a corrupt practice and shall incur a penalty of \$100, and if a voter, shall be disqualified from voting at the election; but this subsection shall not apply to the carrying of voters to the poll in the conveyance mentioned in clause (e) of subsection 2 of section 204.

(2) Every person who provides or furnishes transportation free of charge or at a diminished rate to a voter to, or near, or from, or on the way to or from a polling place, and whether passes or tickets or the like are or are not supplied shall be guilty of a corrupt practice and shall incur a penalty of \$100, and if a voter, shall be disqualified from voting at the election.

Furnishing transportation to voters.

(3) "Conveyance," for the purposes of this section, shall include a horse, team, carriage, cab, vehicle, boat or vessel. (*New.*) (See R.S.O. 1897, c. 9, s. 165.)

Hiring teams, etc.

172. The giving or causing to be given to a voter on the nomination day or on polling day on account of his being about to vote or having voted, any meat, drink, refreshment or provision, or any money, ticket or order to enable him to procure the same, shall be a corrupt practice, and the person so offending shall incur a penalty of ten dollars. R.S.C. c. 6, s. 268; See R.S.O. 1897, c. 9, s. 163 (1).

Providing refreshments on nomination day or polling day.

173.—(1) Every person who, directly or indirectly, himself, or by any other person on his behalf, uses or threatens to use force, violence, or restraint, or inflicts or threatens to inflict injury, damage, harm or loss, or in any manner practises intimidation upon or against a voter in order to induce or compel him to vote, or refrain from voting, or on account of his having voted or refrained from voting, or who, by abduction, duress, or false or fraudulent pretence, device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter, or thereby compels, induces or prevails upon a voter to vote or refrain from voting, shall be guilty of a corrupt practice and shall incur a penalty of \$200, and shall also upon conviction be imprisoned for one year.

Undue influence.

Penalty.

(2) It shall be a false pretence within the meaning of this section to represent to a voter, directly or indirectly,

Pretence that ballot is not secret.

6 s.

that

that the ballot to be used, or the mode of voting at an election, is not secret. R.S.C. c. 6, s. 269; R.S.O. 1897, c. 9, s. 166.

Personation,
definition of.

174.—(1) A person who at an election applies for a ballot paper in the name of some other person whether that name be that of a person living or dead, or of a fictitious person, or who having voted applies at the same election for a ballot paper in his own name or who votes more than once at the same election, shall be guilty of the offence of personation.

Penalty.

(2) A person who commits or who directly or indirectly aids, or abets counsels or procures the commission of the offence of personation shall be guilty of a corrupt practice and shall incur a penalty of \$400, and shall also on conviction be imprisoned for one year. R.S.O. 1897, c. 9, s. 167.

Procuring
appointment
as deputy re-
turning officer
or poll clerk
by fraud.

175. A person who procures an appointment as Deputy Returning Officer or Poll Clerk by false pretence, deceit or other improper means, or who acts as Deputy Returning Officer without lawful authority shall be guilty of a corrupt practice and shall incur a penalty of \$400, and shall also on conviction be imprisoned for one year. 1 Edw. VII. c. 3, s. 1.

Appointing
persons as
election officers
who have been
guilty of cor-
rupt practices.

176. A person who knowingly appoints an Election Clerk, a Deputy Returning Officer or a Poll Clerk, who has at any time been found guilty by a competent tribunal of or reported by an Election Court for corrupt practices shall be guilty of a corrupt practice and shall incur a penalty of \$400. 4 Edw. VII. c. 3, s. 1.

Voting by per-
sons not en-
titled to vote
to be a corrupt
practice.

177. A person who votes knowing that he has no right to vote, and a person who induces or procures any other person to vote, knowing that such other person has no right to vote, shall be guilty of a corrupt practice, and shall incur a penalty of \$200. R.S.O. 1897, c. 9, s. 168.

Publishing
false statement
of withdrawal
of candidate.

178. A person who before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or securing the election of another candidate, shall be guilty of a corrupt practice and shall incur a penalty of \$100, but the election of a candidate shall not be avoided by reason of a contravention of this section unless committed by him or by his agent. R.S.C. c. 6, s. 276.

CONSEQUENCES OF CORRUPT PRACTICES.

Corrupt prac-
tices by candi-
date or his
agent to avoid
election.

179. If an Election Court determines and reports that a corrupt practice has been committed by a candidate or by his agent, whether with or without the actual knowledge

ledge and consent of the candidate, the election of the candidate shall, except in the case mentioned in section 180, be void. R.S.O. 1897, c. 9, s. 171 (1).

180. If the Election Court determines that an agent of the candidate was guilty of a corrupt practice that would otherwise render the election void, and further finds that:—

When Court finds candidate not personally guilty and result not affected.

- (a) No corrupt practice was committed at such election by the candidate personally, and that the corrupt practice of the agent was committed contrary to the order and without the sanction or connivance of the candidate,
- (b) The candidate took all reasonable means for preventing the commission of corrupt practices at such election,
- (c) The corrupt practice was of a trivial, unimportant and limited character, and that
- (d) In all other respects, so far as disclosed by the evidence, the election was free from any corrupt practice on the part of the candidate and of his agent,—

then the election of the candidate shall not, by reason of the corrupt practice be void. R.S.C. c. 7, s. 56.

181. No candidate or other person shall be disqualified or subject to any disability or penalty for a corrupt practice, except upon the judgment of an Election Court. R.S.O. 1897, c. 9, s. 171 (2).

Concurrent judgment of two judges required.

182.—(1) Subject to the provisions of subsection (2) where an Election Court determines and reports that a corrupt practice has been committed, by or with the actual knowledge and consent of a candidate, then in addition to his election, if he has been elected, being void, the candidate, during the eight years next after the date of his being so found guilty, shall be incapable of being elected to and of sitting in the Assembly or any Municipal Council and of being entered on any voters' list or registered as a voter and of voting at an election, and of holding any office at the nomination of the Crown or of the Lieutenant-Governor or any municipal office. R.S.O. 1897, c. 9, s. 173.

Candidate guilty of corrupt practice incapable for eight years of being elected, etc.

(2) If the Election Court or one of the Judges thereof finds that an act constituting in law a corrupt practice was committed by a candidate, or with his actual knowledge and consent, but without any corrupt intent, and in an ignorance which was involuntary and excusable, and that the

Corrupt practice committed in excusable ignorance.

the evidence shewed that the candidate honestly desired, and in good faith endeavoured as far as he could, to have the election conducted according to law, the candidate shall not be subject to the penalties and disabilities which he would otherwise incur under the next preceding subsection. R.S.O. 1897, c. 9, s. 174.

Disqualification of persons other than candidates.

183.—(1) Every person other than a candidate found guilty of a corrupt practice in a proceeding in which, after notice of the charge, he has had an opportunity of being heard, or who upon his own evidence given on the trial of a petition has been found to have been guilty of a corrupt practice and has been reported therefor, unless such finding and report have been reversed or set aside on appeal under *The Ontario Controverted Elections Act* shall, during the eight years next after the date of his being found guilty, be subject to the penalties and disabilities mentioned in section 182.

Exemptions.

(2) No person shall be subject to the penalties and disabilities referred to in subsection (1) by reason of,

(a) A mere technical breach of law, or

(b) An act not being an intentional violation of law.

R.S.O. 1897, c. 9, s. 177.

Appeal.

Rev. Stat. c. 11.

184. Where the judges who constitute the Election Court disagree as to a corrupt practice having been committed by a candidate or his agent there may be an appeal as provided by *The Ontario Controverted Elections Act*, and if the Court of Appeal determines that a corrupt practice was committed, then unless the court is of opinion that the case falls within section 180 the election shall be void, but the candidate shall not be disqualified. 3 Edw. VII. c. 7, s. 5.

Where second election held as result of protest. Effect of corrupt practices at first election.

185. If an election is set aside and a second election had the second election shall be deemed to be a new election and shall not be avoided by reason of corrupt practices committed at the former election other than the personal acts of the candidate or of his agent done with his actual knowledge and consent—provided always that the new election shall not be avoided for corrupt practices by the candidate at the former election or affecting the same which were not set up and proved at the trial and so adjudged by the Election Court as by law to involve the penalties and disabilities mentioned in section 182. R.S.O. 1897, c. 9, s. 171 (3); s. 179.

Votes to be struck off on scrutiny when corrupt practice is proved.

186. If on the trial of an election petition a candidate or his agent is proved to have committed a corrupt practice with respect to a voter, there shall be struck off from the

the number of votes given for such candidate one vote for each voter in respect to whom the corrupt practice is proved to have been committed. R.S.O. 1897, c. 9, s. 176.

187. If on the trial of an election petition, a candidate is proved to have personally engaged any person, as a canvasser or agent, knowing that he has, within eight years previous to such engagement, been found guilty by a competent tribunal of or reported by an Election Court for a corrupt practice, the election of such candidate shall be void. R.S.O. 1897, c. 9, s. 178.

Election of candidate to be void for employing agent previously found guilty of corrupt practice.

188. If, at any time after a person has become disqualified, the witnesses or any of them on whose testimony he has become disqualified are convicted of perjury in respect of such testimony, the Court of Appeal upon the motion of the person disqualified and upon being satisfied that such disqualification was procured by reason of perjury, may order that the disqualification shall thereafter cease and determine. R.S.O. 1897, c. 9, s. 180.

Removal of disqualification on proof that disqualification was procured by perjury.

189. Every executory contract, promise or undertaking, in any way referring to, arising out of, or depending upon an election, even for the payment of lawful expenses, or the doing of a lawful act, shall be void. R.S.O. 1897, c. 9, s. 185.

Executory contracts arising out of elections to be void.

190. No pecuniary penalty or forfeiture, shall be recoverable for a corrupt practice if it appears that the person charged and another person or other persons were together guilty of the act charged, either as giver and receiver, or as accomplices or otherwise, and that the person charged has previously *bona fide* prosecuted such other person or persons or any of them for the corrupt practice; but this provision shall not apply if the Court or Judge, before whom the person claiming the benefit thereof is charged, certifies that it clearly appears that the person so charged took the first step towards the commission of the offence, and that he was in fact the principal offender. R.S.O. 1897, c. 9, s. 186.

No statutory penalty for corrupt practice where the party charged has first prosecuted a party jointly liable.

Proviso.

OFFENCES AND PENALTIES.

GENERAL.

191. A Returning Officer, Deputy Returning Officer, or other person whose duty it is to deliver poll books or who has the custody of a certified list of voters' polling list or poll book, who wilfully makes any alteration or insertion in or omission from or in any way wilfully falsifies such certified list, polling list or poll book shall be guilty of a corrupt

Returning Officers, etc., wilfully falsifying or altering list of voters to incur penalty.

corrupt practice and shall incur a penalty of \$2,000, and shall also on conviction be imprisoned for one year. R.S O. 1897, c. 9, s. 190; 63 V. c. 4, s. 28.

Offences
relating to
ballot papers.

192. Every person who—

- (a) Fraudulently alters, defaces or destroys a ballot paper or the initials of the Deputy Returning Officer thereon; or
- (b) Without authority supplies a ballot paper to any person; or
- (c) Fraudulently places in a ballot box a paper other than the ballot paper which he is authorized by law to place therein; or
- (d) Fraudulently delivers to the Deputy Returning Officer to be placed in the ballot box any other paper than the ballot paper given to him by the Deputy Returning Officer; or
- (e) Fraudulently takes a ballot paper out of the polling place; or
- (f) Without authority, destroys, takes, opens, or otherwise interferes with a ballot box or book or packet of ballot papers or a ballot paper or ballot in use or used for the purposes of an election; or
- (g) Uses the authorized stamp for any purpose other than the stamping of ballot papers, or, not being a Returning Officer, has in his possession any such stamp or any counterfeit or imitation thereof; or
- (h) Being a Deputy Returning Officer, fraudulently puts his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election; or
- (i) With fraudulent intent, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election; or
- (j) Being authorized by the Returning Officer to print the ballot papers for an election, with fraudulent intent prints more ballot papers than he is authorized to print; or
- (k) Attempts to commit any offence mentioned in this section,

shall be guilty of a corrupt practice and in the case of a Returning Officer, Deputy Returning Officer or other officer engaged in the election, shall on conviction be liable to imprisonment for three years, and, in the case of any other person,

person, shall on conviction be liable to imprisonment for one year. R.S.O. 1897, c. 9, s. 191; R.S.C. c. 9, s. 255.

193.—(1) A person who wilfully and maliciously destroys, injures or obliterates, or causes to be destroyed, injured or obliterated, a writ of election, or a return to a writ of election, or a poll book, voters' list, list of voters, polling list, certificate or affidavit, or other document or paper made, prepared or drawn according to or for the purpose of meeting the requirements of this Act or any of them, shall be guilty of a corrupt practice, and shall incur a penalty of \$2,000, and shall also on conviction be imprisoned for one year. R.S.O. 1897, c. 9, s. 192 (1); 63 V. c. 4, s. 30 (1).

Persons unlawfully destroying, etc., documents relating to elections, etc.

(2) A person who aids, abets, counsels or procures the commission of a violation of the next preceding subsection shall be guilty of a corrupt practice and shall incur a penalty of \$2,000, and shall also on conviction be imprisoned for one year. R.S.O. 1897, c. 9, s. 192 (2); 63 V. c. 4, s. 30 (2).

Abettors punishable.

194.—(1) A Deputy Returning Officer who wilfully omits to put his initials on the back of a ballot paper in use for the purposes of an election, shall incur a penalty of \$20 in respect of every such ballot paper. 4 Edw. VII. c. 3, s. 3; 5 Edw. VII. c. 4, s. 6.

Penalty for Deputy Returning Officer omitting to initial ballots.

(2) A Deputy Returning Officer or Poll Clerk who refuses or neglects to perform any of the duties imposed upon him by sections 113 to 120 shall, for each refusal or neglect, incur a penalty of \$200. R.S.O. 1897, c. 9, s. 193 (2).

Deputy Returning Officer or Poll Clerk neglecting duties.

195. A Deputy Returning Officer or Poll Clerk who wilfully miscounts the ballots or otherwise makes up a false statement of the poll shall be guilty of a corrupt practice and shall incur a penalty of \$200. 1 Edw. VII. c. 3, s. 2.

Wilful misconduct in counting ballots, etc.

196. A person who upon demand refuses to deliver up to a Returning Officer or Deputy Returning Officer, any weapon as provided in section 157, shall incur a penalty of \$20. R.S.O. 1897, c. 9, s. 149.

Penalty for refusing to give up arms.

197. A person offending against any of the provisions of sections 158 and 159 shall incur a penalty not exceeding \$100. R.S.O. 1897, c. 9, s. 154.

Penalty for carrying arms, badges, etc.

198. A person who acts in contravention of sections 160, 161, 162, or 163 shall be liable, on conviction, to imprisonment for any term not exceeding six months. R.S.O. 1897, c. 9, s. 155 (6).

Penalty for violating secrecy.

199. Every officer engaged in the election who is guilty of a wilful act or omission in contravention of this Act, shall

Money penalty for offences.

shall in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved thereby the sum of \$400. R.S.O. 1897, c. 9, s. 194.

How penalties
under Act
recoverable.

200. Subject to the provisions of *The Ontario Controverted Elections Act*, and except as herein otherwise provided,—

(a) All pecuniary penalties imposed by this Act for offences not declared to be corrupt practices and for offences not punishable by imprisonment alone or in addition to a pecuniary penalty or fine shall be recoverable by any one who sues for the same in any court having jurisdiction in personal actions to the amount of the penalty; and the Court shall order that in default of payment of the amount which the offender is condemned to pay, within the period fixed by the Court, he shall be imprisoned for a term in the discretion of the Court not exceeding one year unless the penalty and costs are sooner paid.

Statement of
plaintiff's
claim.

(b) It shall be sufficient for the plaintiff, in any such action, to allege that the defendant is indebted to him in the sum claimed, and the particular offence for which the action is brought, and that the defendant had acted contrary to this Act.

Limitation of
actions, mode
of trial.

(c) The action shall be commenced within one year next after the act committed, or the omission complained of, and not afterwards, and shall be tried by a Judge without a jury. (*New.*) See R.S.O. 1897, c. 9, s. 195.)

Prosecutions
for corrupt
practices
punishable by
imprisonment.

201. Prosecutions for penalties and punishments imposed by this Act for or in respect of corrupt practices and for offences for which imprisonment alone or in addition to a pecuniary penalty or fine is imposed shall be had and taken before an Election Court in the manner provided by *The Ontario Controverted Elections Act*. (*New.*)

Writ, etc.,
need not be
produced at
trial.

202. In any proceeding under sections 200 and 201, it shall not be necessary on the trial to produce the writ of election or the return thereto, or the authority of the Returning Officer founded upon the writ of election, but general evidence shall be sufficient. R.S.O. 1897, c. 9, s. 195.

ELECTION EXPENSES.

Appointment
of official
agent.

203.—(1) Every candidate shall appoint an official agent whose name and address shall be declared in writing to the
the

the Returning Officer, on or before the nomination day.
R.S.C. c. 6, s. 237 (1).

(2) In the event of the death or incapacity of an official agent, the candidate shall forthwith appoint another official agent in his place, and give notice to the Returning Officer of the name and address of the person appointed, which shall be forthwith published by the Returning Officer at the expense of the candidate as provided by section 59.
R.S.O. 1897, c. 9, s. 198.

On death or incapacity of an agent, appointment of another.

204.—(1) No payment, except with respect to the personal expenses of a candidate, and no advance, loan or deposit shall be made by or on behalf of a candidate before, during or after the election, on account of the election, otherwise than through his official agent. R.S.C. c. 6, s. 237 (2).

Payments not to be made except through official agent.

(2) "Personal expenses" when used in this section shall include the following expenses, and payment therefor may lawfully be made by the candidate personally:—

"Personal expenses of candidate," what to include.

- (a) Reasonable and *bona fide* rent or hire of halls or other places used by the candidate personally in which to address public meetings of voters; and the expenses incurred in heating, lighting and cleaning the same;
- (b) Reasonable, ordinary and necessary travelling and living expenses of the candidate;
- (c) Reasonable, ordinary and necessary travelling and living expenses of one speaker for each meeting, who accompanies the candidate and travels with him for the purpose of speaking at a public meeting to be addressed by the candidate;
- (d) Reasonable and ordinary charges for the hire and keep of horses and hire of conveyances for the use of the candidate in travelling to and from public meetings and in canvassing in the electoral district, and reasonable and ordinary charges for the services and maintenance of a driver.
- (e) Reasonable and ordinary charges for use by the candidate personally of not more than one conveyance, and the services of a driver, on the polling day.

(3) The onus of showing that the personal expenses paid by the candidate were fair, reasonable and proper and not in excess of what is ordinarily paid for similar services and accommodation, shall be upon the candidate.

Onus probandi.

(4)

Receipt of
ordinary and
reasonable
charges, when
not to dis-
qualify voter.

(4) The contracting for or the receipt of the ordinary and reasonable charges,

(a) By the owner or possessor of a hall or room in which to hold *bona fide* public meetings for the purposes of the election; or

(b) By a printer for printing voters' lists, election addresses or advertisements or notices of election meetings; or

(c) By a regularly established livery-keeper for the hire of horses and vehicles used in connection with and for the proper purposes of the election, and not for carrying voters otherwise than by the candidate as provided by clause (e) of subsection 2.

shall be lawful and shall not disqualify him from voting.
61 V. c. 5, s. 1.

Claims on can-
didate in
respect of any
election, when
to be sent in to
agent.

205.—(1) Every person who has any claim against a candidate for or in respect to an election, shall send in such claim, within one month from the day of the declaration of the result of the election, to the official agent of the candidate. otherwise he shall be barred of his right to recover the same.

Case of death
of person
making claim.

(2) In case of the death within the said month of any person having such claim, his legal representative shall send it in, within one month after probate, or administration has been obtained otherwise the right to recover the same shall be barred.

Case of death
of agent.

(3) In case of the death of the official agent or of his incapacity to act and no other agent having been appointed such claim may be sent in or delivered to the candidate.

Agent not to
pay without
authority of
candidate.

(4) No such claim shall be paid without the authority of the candidate, and the approval of the official agent.
R.S.O. 1897, c. 9, s. 199. *Amended.*

Payment of
lawful
accounts ren-
dered after one
month from
election.

206. Notwithstanding anything in the next preceding section contained, any claim which would have been payable if sent in within one month of the day of the declaration, may be paid by the candidate through his official agent after that time, if such claim is approved by a Judge of the Supreme Court, or by the Judge of the County Court of a county in which the electoral district or some part of it is situate. All claims allowed by a Judge shall, within one week thereafter be advertised by the Returning Officer at the expense of the candidate in the same newspapers in which the statement of the other election expenses was published. R.S.O. 1897, c. 9, s. 200.

207.—(1) A detailed statement of all election expenses incurred by or on behalf of a candidate, including payments in respect of his personal expenses, shall, within two months after the election (or where, by reason of the death of the creditor, no claim has been sent in within such period of two months, then within one month after such claim has been sent in), be made out and signed by the official agent, who has paid the same (or by the candidate in case of payments made by him), and delivered, with the bills and vouchers relating thereto, to the Returning Officer.

A detailed statement of election expenses, etc., to be sent by agent to Returning Officer, who shall publish same.

(2) The Returning Officer within fourteen days after receiving the statement, shall publish at the expense of the candidate an abstract thereof, in a newspaper published or circulating in the electoral district.

(3) An agent or candidate who makes default in delivering the statement to the Returning Officer, shall incur a penalty not exceeding \$25 for every day during which he so makes default; Penalty.

(4) An agent or candidate who wilfully furnishes to the Returning Officer an untrue statement shall incur a penalty of \$400. R.S.O. 1897, c. 9, s. 201.

208. The Returning Officer shall preserve all such bills and vouchers, and shall during the six months next after they have been delivered to him permit any voter to inspect the same on payment of a fee of twenty-five cents. R.S.O. 1897, c. 9, s. 202.

Returning Officer to preserve bills etc., and allow inspection.

FEEs AND EXPENSES OF RETURNING OFFICERS, ETC.

209.—(1) The fees and expenses in Schedule B mentioned shall be allowed to the officers therein mentioned for their services and disbursements in respect of the matters in the said Schedule specified. Tariff of fees.

(2) In addition to such fees and expenses there shall be allowed to the Returning Officers and other officers and clerks employed at the election the actual expenses incurred for printing, postage and the transmission of anything required to be transmitted, and reasonable fees and allowances for other services rendered under this Act. Payment of fees and expenses of Returning Officers.

(3) Such fees, expenses and disbursements shall be taxed by the Auditor of Criminal Justice Accounts at Toronto, or such officer as may be designated for that purpose by the Lieutenant-Governor and the amount certified by him shall be paid to the Returning Officer by the Treasurer of the Province out of the Consolidated Revenue Fund, and shall be disbursed by the Returning Officer to the officers and persons entitled to the same and he shall account therefor and report to the Provincial Secretary. (New.) Taxation of fees.

Additional
allowances in
certain cases.

210. The Lieutenant-Governor in Council may make regulations providing for the remuneration of the Returning Officers for services under sections 124 to 129, and for the payment to the Returning Officer for any Electoral District specified in such regulations in which the conduct of the election is attended with special difficulties owing to the remoteness of the polling places, the difficulty of transportation or the extent of the territory comprised in the electoral district of such additional amount as may be deemed just and reasonable. (*New.*)

Rev. Stat., c. 9,
repealed.

211. Chapter 9 of the Revised Statutes of Ontario, 1897, intituled *An Act respecting Elections of Members of the Legislative Assembly* and all amendments thereto are hereby repealed.

SCHEDULE A.

FORM 1.

To be put up at all Polling Places.

NOTICE AS TO SECRECY OF VOTING.

(*Referred to in Section 25 (1).*)

It is the sworn duty of every person in attendance at this polling place, or at the counting of the votes, not to attempt to ascertain how any person is about to vote or has voted; and not to communicate any information obtained at the polling place which may enable or assist any person to ascertain how any person has voted.

It is further the sworn duty of every such person, by all proper means to maintain, and aid in maintaining, the absolute secrecy of the voting at this polling place.

Any person who acts in contravention of his duty in any of the said particulars is liable to imprisonment for any term not exceeding six months.

By *The Ontario Election Act*, it is further provided, that no person shall destroy, take, open or otherwise interfere with any ballot box or book or packet of ballot papers or a ballot paper or ballot in use for the purposes of the election, or shall attempt to do so; and that any Returning
Officer,

Officer, Deputy Returning Officer or other officer engaged in the election who is guilty of any violation of that provision shall be liable to imprisonment for three years, and any other person guilty of such violation to imprisonment for one year.

The said Act further provides that, in addition to every other penalty and liability, any officer engaged in the election who is guilty of any wilful misfeasance, or any wilful act or omission in contravention of the Act, shall forfeit to any person aggrieved thereby the sum of \$400.

A.B.,

Clerk of the Crown in Chancery.

R.S.O. 1897, c. 9, Form 13; 6 Edw. VII. c. 7, s. 9.
Amended.

FORM 2.
(See Sections 26, 90.)
FORM OF POLL BOOK.

| Consecutive Number. | NAMES OF VOTERS. | Place of Residence. | Occupation. | Objections. | Sworn or affirmed. | Refused to swear or affirm or to answer. | Marks indicating that Voter has voted. | REMARKS. |
|---------------------|------------------|---------------------|-------------|-------------|--------------------|--|--|----------|
| | | | | | | | | |

R.S.O. 1897, c. 9, Form 6; 5 Edw. VII. c. 4, s. 7.

Note.—Where there are separate seats for an Electoral District there shall be additional columns for marks indicating that the voter has voted, and the heading of each column shall designate the seat.

FORM 3.

(Referred to in Section 36.)

OATH OF RETURNING OFFICER.

I, A. B., Returning Officer for the Electoral District of _____, swear (*or solemnly affirm*) that I am legally qualified to act as Returning Officer for the the said Electoral District, and that I will act faithfully in that capacity, without partiality, fear, favour or affection: So help me God.

| | |
|---|--------------------------------|
| Sworn (<i>or affirmed</i>) before me at | } A. B., Returning Officer. |
| the of this | |
| day of , 19 . | |
| A Commissioner, etc. (<i>or as the case may be</i>). | |

See section 6.

R.S.O. 1897, c. 9, Form 2.

FORM 4.

(Referred to in Section 37.)

PROCLAMATION OF THE RETURNING OFFICER DECLARING THE
TIME AND PLACE FOR THE NOMINATION OF CANDIDATES,
AND THE DAY FOR OPENING THE POLL.

PROCLAMATION.

Electoral District of

Public Notice is hereby given that in obedience to His Majesty's Writ to me directed, and bearing date the day of _____, 19 , I require the presence of the voters at the Town Hall or (*as the case may be*), in the County (*or Township, or City, or Town*) of _____ on the _____ day of _____, 19 , from noon until two o'clock in the afternoon, for the purpose of nominating a person (*or persons, as the case may be*) to represent them in the Legislative Assembly; and notice is further given that in case a poll is demanded and allowed in the manner by law prescribed, such poll will be opened on the _____ day of _____, 19 , from the hour of nine o'clock in the forenoon until five o'clock in the afternoon as follows:—

For

For the polling subdivision No. 1, consisting of (or bounded as follows:—*or otherwise describing it clearly*) at *(describing the polling place and so continuing for all the other polling subdivisions and polling places in the electoral district).*

And further, that at *(describe place where votes will be added up)* on the _____ day of _____, at the hour of _____, I shall open the ballot boxes, add up the votes given for the several candidates and declare to be elected the one *(or as the case may be)* having the largest number of votes.

Of which all persons are hereby required to take notice, and to govern themselves accordingly.

God Save the King.

Given under my hand at _____, this _____ day of _____, in the year 19 _____.

A. B.,

Returning Officer.

R.S.O. 1897, c. 9, Form 1, *amended.*

FORM 5.

(Referred to in Section 43 (I).)

COMMISSION OF ELECTION CLERK.

To *E. F. (set forth his residence and occupation).*

In my capacity of Returning Officer for the Electoral District of _____, I hereby appoint you to be my Election Clerk, to act in that capacity at the approaching election for the said Electoral District, which election will be opened by me on the _____ day of _____, 19 _____, *(the date to be inserted here is the day of nomination).*

Given under my hand this _____ day of _____, 19 _____.

A. B.,

Returning Officer.

R.S.O. 1897, c. 9, Form 3.

FORM 6.

(Referred to in Section 44.)

OATH OF ELECTION CLERK.

I, *E. F.*, appointed Election Clerk for the Electoral District of _____, swear *(or solemnly affirm)* that I am legally qualified to act as Election Clerk and that I _____ will

will act faithfully in that capacity and also in that of Returning Officer, if required to act in that capacity, without partiality, fear, favour or affection : So help me God.

| | | |
|--|---|---------------------------|
| Sworn (or affirmed) before me at | } | E. F., Election Clerk. |
| the of this | | |
| day of , 19 . | | |
| A Commissioner, etc. (or as the case may be). | | |

See section 6.

R.S.O. 1897, c. 9, Form 4.

FORM 7.

(Referred to in Section 56.)

PROCLAMATION WHICH THE RETURNING OFFICER IS TO CAUSE
TO BE READ ON NOMINATION DAY.

OYEZ ! OYEZ ! OYEZ !

All persons are commanded and strictly enjoined to keep silence while His Majesty's Writ for the present Election is publicly read.

God Save the King.

R.S.O. 1897, c. 9, Form 5.

FORM 8.

(Referred to in Section 60.)

WITHDRAWAL OF CANDIDATE.

(Electoral District of)

I, , a candidate nominated for the
above electoral district hereby withdraw.

Dated at this day of 19

.....
Candidate.

Witness.

7 s.

FORM

FORM 9.

(Referred to in Section 63.)

COMMISSION OF DEPUTY RETURNING OFFICER.

To *G. H.* (*Insert his residence and occupation*).

In my capacity of Returning Officer for the Electoral District of _____ I hereby appoint you to be Deputy Returning Officer for Polling Place No. _____, of the Township (*or as the case may be*) of _____ in the said Electoral District, there to take the votes of the voters and you are hereby authorized and required to open and hold the poll at the said Polling Place on the _____ day of _____ 19____, at nine o'clock in the forenoon, at (*here describe particularly the place in which the poll is to be held*), and there to keep the said poll open during the hours prescribed by law, and to do and perform in such polling place all acts and duties required to be performed by the Deputy Returning Officer appointed to act therefor, and after counting the votes given, to return to me forthwith the ballot box sealed with your seal and enclosing the ballots, envelopes, polling list, and other documents required by law, together with this Commission.

Given under my hand this _____ day of _____ 19____.

A. B.,

Returning Officer.

R.S.O. 1897; c. 9, Form 7.

FORM 10.

(Referred to in Section 64.)

OATH OF DEPUTY RETURNING OFFICER.

I, _____ *G. H.*, appointed Deputy Returning Officer for Polling Place No. _____, of the Township (*or as the case may be*) of _____, swear (*or solemnly affirm*) that I am legally qualified to act as Deputy Returning Officer and that I will act faithfully, in that capacity, without partiality, fear, favour or affection: So help me God.

Sworn (*or affirmed*) before
me at the _____ of this
day of _____, 19____.

G. H.,
Deputy Returning Officer.

A Commissioner, etc.
(*or as the case may be*).
See section 6.

R.S.O. 1897, c. 9, Form 8.

FORM 11.

(*Referred to in Section 70 (9).*)

AFFIDAVIT OF PRINTER.

Electoral District of { I,
 { swear (*or solemnly affirm*).

(1) That by direction of the Returning Officer for the above named Electoral District I printed the ballot papers for use at the election to be held on the day of 19 , (*insert date of polling*) on the paper furnished by him for that purpose.

(2) That the annexed form shows the description of the ballot papers printed by me as aforesaid.

(3) That I supplied the Returning Officer with of such ballot papers.

(4) That no other of such ballot papers were printed by or supplied by me to anyone.

Sworn (*or affirmed*) before me at the
 of this day
of 19 .

A Commissioner, etc.
(*or as the case may be*)
See section 6.

(*New.*)

FORM 12.

(Referred to in Section 70.)

FORM OF BALLOT PAPER.

Front.

The black line above the first name shall extend to the upper edge, and the black line below the last name shall extend to the lower edge of the ballot paper, and all black lines be prolonged to the edge of the paper. The black margin to the left is the counterfoil and the space to the left of the counterfoil is the stub: There shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub.

I WM. R. BROWN
of the City of Toronto, Barrister.

2 FRANK HAMON
of the City of Toronto, Artist.

3 JOSEPH O'NEIL
of the City of Toronto, Gentleman.

4 JOHN R. SMITH
of the City of Toronto, Merchant.

Form 12.—(Continued.)

Form of Ballot Paper

Back.

No. 325

No. 325

POLL BOOK

No.

D. R. O.
INITIALS.



ELECTORAL DISTRICT
OF

19

FORM 13.

(Referred to in Sections 25 and 72.)

DIRECTIONS FOR THE GUIDANCE OF VOTERS.

The voter is to vote only for one candidate, unless more than one member is to be elected for the electoral district, in which case he may vote for as many candidates as are to be elected.

Where there are more seats than one the voter will receive one ballot paper for each seat and may vote for one candidate only for each seat.

The voter shall go into one of the compartments and, with a black lead pencil there provided, place a cross within the white space containing the name of the candidate or within the white spaces containing the names of the candidates for whom he votes, thus


The voter shall then fold the ballot paper so that the initials and stamp on the back and the number on the counterfoil can be seen without opening it; he shall then return the ballot paper so folded to the Deputy Returning Officer, who shall, in full view of those present, including the voter, remove the counterfoil, destroy the same, and place the ballot paper in the ballot box; the voter shall then forthwith leave the polling place.

If a voter inadvertently spoils a ballot paper so that he cannot conveniently use it as he desires, he may return it to the Deputy Returning Officer, who will give him another.

If the voter votes for more candidates than he is entitled to vote for, or places any mark on the ballot paper by which he can be identified, his vote will be void and will not be counted.

If the voter fraudulently takes a ballot paper out of the polling place, or fraudulently delivers to the Deputy Returning Officer, to be placed in the ballot box, any other paper than the ballot paper given him by the Deputy Returning Officer, he will be liable to imprisonment for one year.

In the following form of ballot paper, given for illustration, the candidates are Wm. R. Brown, Frank Hamon, Joseph O'Neil and John R. Smith, and the voter has marked his ballot paper in favour of John R. Smith and the counterfoil has been detached.




I WM. R. BROWN
of the City of Toronto, Barrister.



2 FRANK HAMON
of the City of Toronto, Artist.



3 JOSEPH O'NEIL
of the City of Toronto, Gentleman.



4 JOHN R. SMITH
of the City of Toronto, Merchant.

X



R.S.C. c. 6, Form O.

FORM 14.

(Referred to in Section 73.)

CERTIFICATE OF CLERK OF MUNICIPALITY.

Shewing date fixed for the assessor to begin to make the assessment roll and the last day on which a complaint could be made to the County Judge under The Ontario Voters' Lists Act:

Electoral District of

I, _____ Clerk of the Municipality of _____
in the County of _____
do hereby certify that the time fixed for the assessor to begin to make the assessment roll on which the voters' list for the said municipality proper to be used for the purposes of the election to be held on the _____ day of 19____, (*insert date of polling*) is based, was the day of _____ 19____, and that the last day on which a complaint could be made to the Judge under *The Ontario Voter's Lists Act* was the _____ day of _____ 19____,

Dated this _____ day of _____ 19____.
A. B.,
Clerk.
R.S.O. 1897, c. 9, Form 9.

FORM 15.

(Referred to in Sections 82 (1), 85.)

COMMISSION OF POLL CLERK.

To I. J. (*Insert his residence and occupation*).

In my capacity of Deputy Returning Officer for the Polling Place No. _____, of the Township (*or as the case may be*), I hereby appoint you to be Poll Clerk for the said Polling Place.

Given under my hand _____, this
day of _____, 19____.

G. H.,
Deputy Returning Officer.
R.S.O. 1897, c. 9, Form 14.
FORM

FORM 16.

(Referred to in Section 82 (1).)

OATH OF POLL CLERK.

I, *I. J.*, appointed Poll Clerk for Polling Place No. ,
 of the Township (*or as the case may be*) swear (*or*,
 solemnly affirm) that I am legally qualified to act
 as Poll Clerk and that I will act faithfully in that
 capacity and also in that of Deputy Returning Officer, if
 required to act in that capacity according to law, witho t
 partiality, fear, favour or affection:

So help me God.

Sworn (*or affirmed*) before me at
 the of this
 day of , 19 .

I. J.,
 Poll Clerk.

A Commissioner, etc.
(or as the case may be).
See section 6.

R.S.O. 1897, c. 9, Form 15.

FORM 17.

*(Referred to in Section 95.)*FORM OF OATH IN ORDINARY CASES TO BE ADMINISTERED TO
A VOTER.*(Letters refer to notes at end of Form).*

You swear (*a*)

1. That you are the person named or intended to be
 named by the name of in
 the polling list now shown to you, (*or where a voter votes*
on a certificate given under section 89, that you are the
 person named in the certificate now shown to you).

2. That you are of the full age of twenty-one years, and
 are a British subject by birth or naturalization, and are not
 a citizen or a subject of any foreign country.

3. That you have resided within the Dominion of Can-
 ada for the nine months next preceding the (*b*) day
 of 19 (*or at the option of the voter*) that you
 have resided within the Dominion of Canada for the
 twelve months next preceding the (*c*) day of .

4.

4. That you were on the said day in good faith a resident of and domiciled in the municipality on the list of which you are entered; that you have resided in this electoral district continuously from the said day; (d) and that you are now actually residing and domiciled therein.

OR *in the case of a clergyman or of a High or Public or Separate school teacher voting under section 20, in lieu of paragraph 4.*

[4. That you were on the said day in good faith a resident of and domiciled in the municipality on the list of which you are entered.

(a) That you are a clergyman (or a High or Public or Separate School teacher, as the case may be).

(b) That you are still a resident of Ontario.

(c) That you have resided in this electoral district continuously from the said day until within three months next preceding this election.

(d) That you are not entitled to vote in any other electoral district.]

5. That you are entitled to vote at this election and at this polling place.

6. That you have not voted before at this election, at this or at any other polling place.

7. That you have not received anything, nor has anything been promised you, directly or indirectly, to induce you to vote at this election, or for loss of time, travelling expenses, hire of conveyance, or any service whatever connected with this election.

OR *at the option of the Voter in lieu of paragraph 7.*

[7. That you have not received anything, nor has anything been promised you, directly or indirectly, to induce you to vote or refrain from voting at this election. That you have not received nor do you expect to receive anything for loss of time, travelling expenses, hire of conveyance, or any service whatever connected with this election, except what has been *bona fide* earned by you and may be lawfully paid to you under *The Ontario Election Act* by or through the Returning Officer or Deputy Returning Officer or other proper public officer out of public moneys without committing a corrupt practice, and except what has been *bona fide* earned by you and has been or may be lawfully paid to and received by you by or on behalf of the candidate or otherwise under *The Ontario Election Act*, and notwithstanding the receipt or expectation of which you are entitled by law to vote.]

8. And that you have not, directly or indirectly, paid or promised anything to any person to induce him to vote or to refrain from voting at this election.

So help you God.

NOTE.—(a) If the voter is a person who may by law affirm in civil cases then for “swear” substitute “solemnly affirm.”

(b) The date to be inserted is the date fixed by law or by a by-law authorized by Statute for the assessor to begin to make the assessment roll.

(c) The date to be inserted is the last day for making a complaint to the County Judge under *The Ontario Voters' Lists Act*.

(d) In case the voter has been temporarily absent, insert the words following “except occasionally or temporarily, or as a member of a permanent militia corps enlisted for continuous service, or on service as a member of the active militia, or as a student in attendance at an institution of learning in the Dominion of Canada, that is to say (here name institution)” as the case may be.

R.S.O. 1897, c. 9, Form 16; 62 V. (1), c. 4, s. 5; 6 Edw. VII. c. 8, s. 10; 7 Edw. VII. c. 6, s. 2.

FORM 18.

(Referred to in Section 95.)

FORM OF OATH TO BE ADMINISTERED TO A MANHOOD SUFFRAGE VOTER AT ELECTIONS TO WHICH THE MANHOOD SUFFRAGE REGISTRATION ACT APPLIES.

You swear (a)

1. That you are the person named or intended to be named by the name of _____ on the polling list now shown to you (or, where the voter votes on a certificate given under section 89, that you are the person named in the certificate now shown to you).

2. That you are of the full age of twenty-one years and are a British subject by birth or naturalization, and are not a citizen or a subject of any foreign country.

3. That you have resided within the Dominion of Canada for the twelve months next preceding the (b) _____ day of _____, 19 (c).

4. That you were on the said day and for the three months next preceding the same in good faith a resident of and domiciled in this municipality and that you are now actually residing and domiciled in this electoral district; (and in the case of any municipality divided into two or more electoral districts and of any municipality parts of which are situated in two or more electoral districts); that you have resided in this electoral district for the thirty days next preceding the said day, and continuously from the

the said day, and that you are now actually residing and domiciled therein.

5. That you are entitled to vote at this election and at this polling place.

6. That you have not voted before at this election, at this or at any other polling place.

7. That you have not received anything, nor has anything been promised you, directly or indirectly, to induce you to vote at this election, or for loss of time, travelling expenses, hire of conveyance, or any service whatever connected with this election.

OR at the option of the Voter in lieu of paragraph 7.

[7. That you have not received anything, nor has anything been promised you, directly or indirectly, to induce you to vote or refrain from voting at this election. That you have not received nor do you expect to receive anything for loss of time, travelling expenses, hire of conveyance, or any service whatever, connected with this election, except what has been *bona fide* earned by you and may be lawfully paid to you under *The Ontario Election Act* by or through the Returning Officer or Deputy Returning Officer or other proper public officer out of public moneys without committing a corrupt practice, and except what has been *bona fide* earned by you and has been or may be lawfully paid to and received by you by or on behalf of the candidate or otherwise under *The Ontario Election Act*, and notwithstanding the receipt or expectation of which you are entitled by law to vote.]

8. And that you have not, directly or indirectly, paid or promised anything to any person to induce him to vote or to refrain from voting at this election.

So help you God.

NOTE.—(a) If the voter is a person who may by law affirm in civil cases then for “swear” substitute “solemnly affirm.”

(b) Insert here the day of the first sittings held for the registration of Manhood Suffrage Voters on which list of voters is based.

(c) In case the voter has been temporarily absent for any of the purposes allowed by law, insert the words following “except occasionally or temporarily, or as a member of a permanent militia corps enlisted for continuous service, or on service as a member of the active militia, or as a student at an institution of learning in the Dominion of Canada, that is to say (*here name institution*)” as the case may be.

R.S.O. 1897, c. 9, Form 17; 62 V. (1), c. 4, s. 5; 6 Edw. VII. c. 8, s. 10; 7 Edw. VII. c. 6, s. 2.

FORM 19.

(Referred to in Section 95.)

FORM OF OATH TO BE ADMINISTERED TO A VOTER IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION.

You swear (a)

1. That you are the person named or intended to be named by the name of _____ in the polling list now shown to you *(or where the voter votes on a certificate given under section 89 that you are the person named in the certificate now shown to you.)*

2. That you are of the full age of twenty-one years and are a British subject by birth or naturalization, and are not a citizen or a subject of any foreign country.

3. That you have resided within the Dominion of Canada for the nine months next preceding the (b) _____ day of _____ 19 _____.

4. That you were on the said day in good faith a resident of and domiciled in the territory for which the voters' list was prepared, and that you have resided in this electoral district continuously from the said day (c), and that you are now actually residing and domiciled therein.

OR *in the case of a clergyman or a High or Public or Separate school teacher voting under section 20 in lieu of paragraph 4.*

[4. That you were on the said day in good faith a resident of and domiciled in the territory for which the voters' list was prepared.

(a) That you are a clergyman *(or a High or Public or Separate School teacher, as the case may be.)*

(b) That you are still a resident of Ontario.

(c) That you have resided in this Electoral District continuously from the said day until within three months next preceding this election.

(d) That you are not entitled to vote in any other electoral district.]

5. That you are entitled to vote at this election and at this polling place.

6. That you have not voted before at this election, at this or at any other polling place.

7. That you have not received anything, nor has anything been promised you directly or indirectly, either to induce you to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

OR *at the option of the Voter in lieu of paragraph 7.*

[(7) That you have not received anything, nor has anything been promised you, directly or indirectly, to induce you

you to vote or refrain from voting at this election. That you have not received nor do you expect to receive anything for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election, except what has been *bona fide* earned by you and may be lawfully paid to you under *The Ontario Election Act* by or through the Returning Officer or Deputy Returning Officer or other proper public officer out of public moneys without committing a corrupt practice, and except also what has been *bona fide* earned by you and has been or may be lawfully paid and received by you by or on behalf of the candidate or otherwise under *The Ontario Election Act*, and notwithstanding the receipt or expectation of which you are entitled by law to vote.]

8. And that you have not directly or indirectly paid or promised anything to any person, to induce him to vote or to refrain from voting at this election. So help you God.

NOTE.—(a) If the voter is a person who may by law affirm in civil cases, then for “swear” substitute “solemnly affirm.”

(b) The date to be here inserted is the first day of June in the year in which the last voters’ list was prepared, unless another day has been fixed by proclamation for beginning to make the list, in which case the latter date is to be inserted.

(c) In case the voter has been temporarily absent for any of the purposes allowed by law, insert the words following “except occasionally or temporarily or as a member of a permanent militia corps enlisted for continuous service, or on service as a member of the active militia, or as a student in attendance at an institution of learning in the Dominion of Canada, that is to say (*here name institution*)” as the case may be.

R.S.O. 1897, c. 9, Form 18; 62 V. (1), c. 4, s. 5; 6 Edw. VII. c. 8, s. 10; 7 Edw. VII. c. 6, s. 2.

FORM 20.

(*Referred to in Section 102 (2).*)

FORM OF OATH OF INABILITY TO READ.

I, A. B., of _____ swear (or solemnly affirm) that I am unable to read [or that I am from physical incapacity unable to mark a ballot paper, (*as the case may be.*)]

Sworn (or affirmed) before me at
in the County of
this day of , 19 ..

having been first read over to
the above named A. B., and signed
by him in my presence with
his mark.

A. B. (*His X mark.*)

Deputy Returning Officer.

R.S.O. 1897, c. 9, Form 23.

FORM

FORM 21.

(Referred to in Section 117 (1).)

STATEMENT OF THE POLL AFTER COUNTING THE BALLOTS.

Polling Place No. .
Electoral District of .

| | | |
|--|-------|-------|
| Number of Ballot Papers received from the Returning Officer ..... | _____ | ..... |
| Number of Ballots cast for ..... | ..... | _____ |
| “ “ “ | | _____ |
| “ “ “ | | _____ |
| “ “ “ | | _____ |
| “ “ “ | | _____ |
| “ “ “ | | _____ |
| Number of Ballot Papers declined (Section 112)..... | ..... | _____ |
| Number of Ballot Papers taken from polling place (Section 112) ..... | ..... | _____ |
| Number of Ballot Papers cancelled (Section 114) ..... | ..... | _____ |
| Number of Ballots rejected (Section 119). . | ..... | _____ |
| Number of Ballot Papers not used and returned ..... | ..... | _____ |
| Totals | _____ | _____ |

We hereby certify that the above statement is correct.

Dated at ., 19 .
A. B.,
Deputy Returning Officer.

Poll Clerk.

(Candidates or agents may also sign.)

R.S.C. c. 6, Form EE.

NOTE.—Where there are separate seats for an Electoral District there must be separate statements for each seat.

FORM 22.

(Referred to in Section 117 (3)).

CERTIFICATE TO BE DELIVERED TO CANDIDATES, ETC.

I, the undersigned, Deputy Returning Officer for polling place No. _____ in the _____ of _____ in the electoral district of _____, do hereby certify that, at the election held this day, for a member to serve in the Legislative Assembly, the hereinafter mentioned candidates received the number of ballots set opposite their respective names, viz:—

| NAMES OF CANDIDATES. | NUMBER OF BALLOTS. |
|----------------------|--------------------|
| | |
| | |
| | |
| | |
| | |
| | |
| | |

and also that _____ ballot papers were rejected.

Dated at _____
this _____ day of _____ 19 _____.

G. H.,
Deputy Returning Officer.
R. S. C. c. 6, Form FF.

FORM 23.

(Referred to in Section 120 (2)).

OATH OF DEPUTY RETURNING OFFICER AFTER CLOSING OF THE POLL.

I, _____ Deputy Returning Officer for Polling Place No. _____, of the Electoral District of _____, swear (or solemnly affirm) that, to the best of my knowledge and belief, the poll book kept for the said polling place under my direction has been kept correctly, that the total number of votes polled according to the said poll book is _____, and that it contains a true and exact record of the votes given at the said polling place, as the said votes were taken

taken thereat; that I have correctly counted the votes given for each candidate, in the manner by law provided, and performed all duties required of me by law, and that the statement, polling list, poll book, envelopes containing ballot papers, and other documents required by law to be returned by me to the Returning Officer, have been faithfully and truly prepared and placed in the ballot box and are contained in the ballot box returned by me to the Returning Officer, which was locked and sealed by me, in accordance with the provisions of *The Ontario Election Act* and remained so locked and sealed while in my possession.

Sworn (or affirmed) before me at }
 in the County of }
 this day of , 19 . }

G. H.,

. Deputy Returning Officer.

A Commissioner, etc.

(or as the case may be).

See section 6.

R.S.C. c. 6, Form CC.

FORM 24.

(Referred to in Section 119.)

OATH OF THE POLL CLERK AFTER CLOSING OF THE POLL.

I, Poll Clerk for Polling Place No. ,
 of the Electoral District of , swear (or solemnly affirm) that the poll book for the said polling place kept under the direction of G. H., who acted as Deputy Returning Officer, has been kept by me correctly to the best of my skill and judgment; that the total number of votes polled according to the said poll book is ; and that to the best of my knowledge and belief it contains a true and exact record of the voters who voted at the said polling place.

Sworn (or affirmed)
 before me at
 this day of
 19 .

I. J.,

Poll Clerk.

A Commissioner, etc.
 (or as the case may be).
 See section 6.

R.S.C., c. 6, Form D.1)
 FORM

FORM 25.

(Referred to in Section 120 (1).)

OATH OF POLL CLERK OR MESSENGER WHERE THE DEPUTY
RETURNING OFFICER IS UNABLE TO DELIVER THE BAL-
LOT BOX TO THE RETURNING OFFICER.

I, _____ swear (*or solemnly affirm*) that I am the
person to whom _____ Deputy Returning Officer for
Polling Place No. _____ of the _____ of
in the Electoral District of _____ entrusted
the ballot box for the said polling place to be delivered to
the Returning Officer; that the ballot box
which I delivered to the Returning Officer this day,
is the ballot box I so received; that I have not opened it
and that it has not been opened by any other person since
I received it from the Deputy Returning Officer.

So help me God.

Sworn (*or affirmed*) before
me at _____ this
day of _____ 19 ____ .
A Commissioner, etc.
(*or as the case may be*).
See section 6.

R.S.O. 1897, c. 9, Form 29.

FORM 27.

*(Referred to in Section 146.)*AFFIDAVIT TO BE TAKEN BY RETURNING OFFICER AFTER
TRANSMITTING HIS RETURN TO THE CLERK OF THE CROWN
IN CHANCERY.

I, _____ Returning Officer for the Electoral Dis-
trict of _____ swear (or affirm)

1. That, of the packets received by me as such Return-
ing Officer from the Deputy Returning Officers in respect
of the recent election for the said Electoral District, I
have not opened or permitted to be opened, any of the en-
velopes containing the ballot papers.

2. That I have not opened, or permitted to be opened,
any of the packets so received except those authorized and
directed to be opened by a Returning Officer under *The*
Ontario Election Act.

3. That none of the other packets were opened by any
person since they were returned to me by the Deputy Re-
turning Officers. (or, in the case of a recount add, except
by the Judge of the County Court, on a recount).

4. That I have not ascertained and have not attempted
to ascertain, from the ballot papers or other contents of
any of the said packets how any person voted.

5. That I have this day transmitted to the Clerk of the
Crown in Chancery my return in respect of the said election.
So help me God.

Sworn (or affirmed) before
me at _____ this _____
day of _____ 19 _____

A Commissioner, etc.
(or as the case may be).

See section 6.

R.S.O. 1897, c. 9, Form 30.

FORM 28.

(Referred to in Section 164.)

OATH OF SECRECY.

Electoral District of _____

Polling Place No. _____

I, _____ swear (or solemnly affirm)

1. That I will not attempt to ascertain, and will by
every means in my power prevent any other person from
ascertaining how any person is about to vote or shall have
voted

voted at this election save and except as may be necessary and proper in the case of persons blind or unable to read, or incapable of marking their ballot papers as provided in *The Ontario Election Act*.

2. That I will not communicate to any person any information of any kind which may enable or assist any person to ascertain the candidate for whom any person has voted.

3. That I will in all respects maintain and aid in maintaining the absolute secrecy of the voting at this polling place.

So help me God.

Sworn (or affirmed) before
me at this
day of , 19 .

A Commissioner, etc.
(or as the case may be).

See section. 6

R.S.O. 1897, c. 9, Form 28.

SCHEDULE B.

RETURNING OFFICERS.

(Referred to in Section 209 (1).)

| | |
|--|---------|
| 1. Drawing Proclamation | \$ 1 00 |
| 2. Pay of Election Clerk attending nomination... | 4 00 |
| 3. Pay of Election Clerk attending adding up of votes | 4 00 |
| 4. Two constables attending nomination (each) ... | 2 00 |
| 5. Holding election and if there is no contest making return—including appointment and swearing of Election Clerk | 10 00 |
| 6. Appointing and swearing deputies (each) | 50 |
| 7. Payment to Clerk of the Peace or Clerk of the Municipality for furnishing Polling Lists as provided by section 81 of <i>The Ontario Voters' Lists Act</i> | 8. |

8. If there is a contest (in addition to item 5) for final addition of votes and declaration of election and making up and transmitting the return to the Clerk of the Crown in Chancery (including duplicates to each candidate) and all other services connected therewith 20 00

9. Mileage (except in a city forming a separate electoral district or divided into electoral districts) for posting proclamation, appointing and swearing deputies and delivering polling lists, etc., to them and going to and returning from nomination to be allowed to both the Returning Officer and Election Clerk for every mile necessarily travelled from place to place to be taxed in the same manner as Sheriff's mileage on summoning jurors 10

10. Dividing a municipality or part thereof into polling subdivisions under subsection 3 of section 53—a reasonable allowance to be fixed by the Auditor of Criminal Justice Accounts.

11. Polling places as provided by subsection 4 of section 54.

DEPUTY RETURNING OFFICERS.

12. Holding the poll, including all services connected therewith and making returns.....\$ 6 00

13. Pay of Poll Clerk, one day 3 00

14. Pay of One Constable, one day 2 00

15. Providing Voting Compartments (each) 1 00

AUDITOR CRIMINAL JUSTICE ACCOUNTS.

16. For services under subsection 3 of section 209 a reasonable allowance to be fixed by the Lieutenant-Governor in Council.

CHAPTER 4.

An Act respecting Controverted Elections of Members of the Legislative Assembly.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Ontario Controverted Elections Act.*" R.S.O. 1897, c. 11, s. 1.

2. In this Act—

Interpretation.

- (a) "Candidate at an election" and "candidate" shall mean and include a person elected to serve in the Assembly, and a person who is nominated as a candidate at an election, or is declared by himself or by others to be a candidate, on or after the day of the issue of the writ for an election, or after the dissolution or vacancy in consequence of which the writ has been issued.
- (b) "Corrupt practices," and "corrupt practice," shall have the meanings assigned to them by *The Ontario Election Act.* "Corrupt practices," and "corrupt practice."
- (c) "County" shall include united counties and a district.
- (d) "County Court" shall include a District Court. "County Court."
- (e) "Election" shall mean an election of a Member to serve in the Assembly. "Election."
- (f) "Election Court" shall mean a Court constituted under this Act for the trial of a petition or a Summary Trial Court constituted under this Act for the trial of persons charged with corrupt practices or illegal acts. "Election Court."
- (g) "Election list" shall mean the list of petitions referred to in section 33. "Election List."

(h)

- "Member." (h) "Member" shall mean a Member of the Assembly.
- "Petition." (i) "Petition" shall mean a petition presented under this Act.
- "Prescribed." (j) "Prescribed" shall mean prescribed by this Act or by Rules of Court.
- "Public moneys," meaning of. (k) "Public moneys" shall include the moneys of Ontario or of a Municipality. 62 V. (1), c. 4, s. 17.
- "Registrar." (l) "The Registrar" shall mean the Registrar of the Court of Appeal for Ontario.
- "Rules of Court." (m) "Rules of Court" shall mean Rules made as hereinafter provided.
- "The Speaker." (n) "The Speaker" shall mean the Speaker of the Assembly, or, when the office is vacant, the Clerk of the Assembly, or any other officer for the time being performing the duties of the Clerk. R.S.O. 1897, c. 11, s. 2.
- "The Court." (s) "The Court" shall mean the Court of Appeal for Ontario.

Practice as heretofore, till varied.

3. The Court shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority with reference to a petition and the proceedings thereon as the High Court would have if the petition were an ordinary action within the jurisdiction of that Court. R.S.O. 1897, c. 11, s. 2, *part*.

Practice and procedure of High Court to govern in certain matters.

4.—(1) Where not otherwise herein provided and subject to Rules of Court the practice and procedure of the High Court shall apply to a petition and to the proceedings thereon with respect to the following matters:—

- (a) Service of the petition and of all other documents;
- (b) Payment into and out of Court;
- (c) Examination for discovery;
- (d) Production and inspection of documents;
- (e) Costs and the taxation and recovery thereof;
- (f) All other matters of practice or procedure. (*New.*)

Time for petitioning not extended.

(2) Nothing in this section contained shall extend or shall confer the right to extend the time for the presentation of a petition.

RULES OF COURT.

Supreme Court may make rules of Court.

5.—(1) The Supreme Court, or a majority of the Judges thereof, may make General Rules not inconsistent with this

this Act for the effectual execution thereof, and the regulation of the practice and procedure and as to costs.

(2) The Rules of Court shall be laid before the Assembly within three weeks after they are made, if the Assembly is then sitting, and if the Assembly is not then sitting, within three weeks after the beginning of the then next Session. R.S.O. 1897, c. 11, s. 112.

Rules to be laid before the Legislature.

6. The Rules of Court now in force shall remain in force until revoked or altered by Rules of Court made in pursuance of this Act; and so far as the Rules of Court from time to time in force do not extend, the principles, practice and rules on which election petitions touching the election of members to the House of Commons of Great Britain and Ireland were on the fifteenth day of February, 1871, dealt with, where not inconsistent with this Act shall be observed. R.S.O. 1897, c. 11, s. 113.

Present rules and practice in cases not provided for.

PRESENTATION OF PETITION.

7. A petition may be presented to the Court complaining of an undue return or undue election of a member, or of no return, or of matters contained in a special return, or of a corrupt practice by a candidate not returned by which he is alleged to have become disqualified to sit in the Assembly.

Subject matter of petition.

8. A petition may be presented by:—

(a) A person who was a candidate at the election; or

(b) Three persons who voted or who had a right to vote at the election and who are severally rated on the last revised assessment roll in respect of real property in the electoral district for at least \$1,000. 62 V. (2), c. 6, s. 1; 4 Edw. VII. c. 3, s. 6.

By whom petition may be presented.

9. Two or more candidates may be made respondents to the same petition, and their cases may be tried at the same time; but the petition shall be deemed to be a separate petition against each respondent. R.S.O. 1897, c. 11, s. 4.

Joint respondents to petition.

10. Where a petition complains of the conduct of a Returning Officer, he shall, for all the purposes of this Act, except the admission of a respondent in his place, be deemed to be a respondent. R.S.O. 1897, c. 11, s. 5.

Petition complaining of a Returning Officer.

11. Where a petition complains of no return the Court may make such order thereon as it thinks expedient for compelling a return to be made, or may allow the petition to be tried by an Election Court in the manner herein provided

Petition complaining of no return.

vided with respect to other petitions. R.S.O. 1897, c. 11, s. 6.

Petition when
to be presented.

12. The petition shall be presented within forty-five days after the day on which the polling was held for the election named in the petition, unless it questions the return or election upon an allegation of corrupt practices, and specifically alleges a payment of money or other act by the member or on his account, or with his privity, since the time of the return, in pursuance or in furtherance of such corrupt practices, in which case the petition may be presented at any time within the said period of forty-five days or within twenty-eight days after the date of such payment or act. R.S.O. 1897, c. 11, s. 9; 4 Edw. VII. c. 3, s. 5.

Form of petition, and by whom to be signed.

13. A petition shall be in such form, and state such matters as may be prescribed, and shall be signed by the petitioner, or all the petitioners if there are more than one. R.S.O. 1897, c. 11, s. 8.

Cross petition on account of corrupt acts, against candidate not returned.

14. If a petition is presented against the return of a member, the respondent or any other persons authorized by law to present a petition, may, within fifteen days after the service of the petition against the return, present a petition complaining of any corrupt practice by any candidate at the same election who was not returned, whether the seat is or is not claimed by him, or on his behalf, and the trial of such petition shall take place at the same time as the trial of the petition against such member or respondent or at such other time as may be appointed. R.S.O. 1897, c. 11, s. 7.

Presentation of petition.

15.—(1) Presentation of a petition in a case arising in the County of York or the City of Toronto shall be made by delivering it to the Registrar, and in other cases by delivering it to the Local Registrar of the High Court for the county or district in which the electoral district or any part thereof is situated, or otherwise dealing with the same in the manner prescribed.

Notice to Registrar.

(2) On receipt of a petition by a Local Registrar he shall send notice thereof by registered post to the Registrar. R.S.O. 1897, c. 11, s. 10 (1).

Notice to Clerk of the Crown in Chancery.

(3) The Registrar shall send a notice by registered post to the Clerk of the Crown in Chancery of the presentation of every petition. (*New.*)

Petition and particulars to be verified on oath.

16. With every petition shall be filed an affidavit by each of the petitioners, referring or annexed to the petition, stating that the deponent presents the petition in good faith, and has reason to believe and believes the statements contained

contained in it to be true in substance and in fact; all particulars afterwards furnished by either party shall be verified by the affidavit of a petitioner. R.S.O. 1897, c. 11, s. 11.

17.—(1) On the presentation of a petition against the return of a member, the officer with whom the same is filed shall send a copy thereof by mail to the Returning Officer of the Electoral District to which the petition relates, who shall forthwith publish a notice thereof once in a newspaper published in the district, or, if there be no newspaper published in the district, then in a newspaper published in an adjoining district. R.S.O. 1897, c. 11, s. 12 (1); 62 V. (2), c. 6, s. 3.

Publication of
notice of
petition.

(2) The notice may be in the form following:—

Form of
notice.

"Notice is hereby given that _____ has presented a petition to the Court of Appeal for Ontario, under *The Ontario Controverted Elections Act*, against the return of _____, Esquire, as member of the Legislative Assembly for the Electoral District of _____, [and (where the seat is claimed) claiming the seat for or as the case may be.]

Dated at _____ the _____ day of _____ 19 _____
Returning Officer.

R.S.O. 1897, c. 11, s. 12 (2).

18.—(1) A disclaimer by the member elect under the provisions of *The Legislative Assembly Act* shall not affect the right of any person entitled to contest the election to present a petition claiming the seat for himself or for some other person, nor the liability of the person disclaiming in respect of corrupt practices against whom a petition may be presented in the same manner as if he had not disclaimed.

Disclaimer not
to affect right
to petition
claiming seat.

(2) In case of a petition claiming the seat for the petitioner or some other person the Election Court shall determine whether any candidate other than the member who has disclaimed was duly elected and the candidate declared by the Election Court duly elected shall be entitled to the seat. R.S.O. 1897, c. 12, s. 21.

When seat
claimed.

19. The officer receiving a copy of the disclaimer under section 20 of *The Legislative Assembly Act* shall give notice of such disclaimer to any person who has filed, or who may thereafter present to be filed a petition against the member disclaiming. (New.)

Notice of dis-
claimer.

20. Notwithstanding such disclaimer a Judge of the Court, upon the application of any voter in the electoral district within ten days after the Registrar shall have received

Permitting
petition to be
filed where
corruption
charged.

ceived

ceived notice of the disclaimer, upon its being made to appear that corruption has extensively prevailed at the election, may permit a petition to be filed in the same manner as though no such disclaimer had been made, or may, upon the grounds aforesaid, permit proceedings upon any petition which has been filed to proceed upon such terms as he may think fit. R.S.O. 1897, c. 12, s. 23.

SECURITY FOR COSTS.

Security for costs.

21. At the time of the presentation of every petition, or within four days afterwards, security shall be given on behalf of the petitioner for the payment,

1. To the returning officer and the sheriff of the costs and charges incurred in the publication of notices in the electoral district in respect of the petition or proceedings thereon, which shall form a first charge upon the security.

2. Of all costs, charges and expenses that may become payable by the petitioner to

- (a) Every person summoned as a witness on his behalf;
- (b) The member or candidate against whom the petition is presented; and
- (c) The returning officer if his conduct is complained of. R.S.O. 1897, c. 11, s. 13; 62 V. (2), c. 6, s. 4.

Security to be by deposit of \$1,000.

22. The security shall be by a deposit of \$1,000, in one of the banks in which public money of Ontario is then being deposited and the deposit shall be made to the credit of the petition, with the privity of the Accountant of the Supreme Court.

SERVICE OF PETITION.

Service of petition.

23.—(1) A copy of the petition together with notice of the presentation thereof shall be served upon the respondent within ten days after the day on which security is given or within such further period as the Court or a Judge thereof, under special circumstances of difficulty in effecting service and on application made not later than three days after the expiration of such ten days, may allow.

(2) The service shall be made as nearly as may be in the manner in which a writ of summons is served or in such other manner as may be prescribed.

(3) By leave of the Court or a Judge the service may be made out of Ontario. R.S.O. 1897, c. 11, s. 15.

PRELIMINARY EXAMINATION OF PARTIES, AND PRODUCTION OF DOCUMENTS.

24. Every party to a petition may, at any time after the petition is at issue, be examined, in the manner hereinafter directed, by a party adverse in interest, touching any matter raised by the petition; and any party so examined may be further examined on his own behalf, in relation to any matter respecting which he has been examined in chief; and when one of several petitioners or respondents has been so examined, any other petitioner or respondent, united in interest, may be examined on his own behalf, or on behalf of those united with him in interest, to the same extent as the party examined: but the explanatory examination shall be proceeded with immediately after the examination in chief, and not at any future period, except by leave of the Court or a Judge. R.S.O. 1897, c. 11, s. 17.

When and how parties to petitions may be examined.

25. Where a petition has been filed against a member elect who is entitled to take his seat he shall not without his consent be required to attend on any preliminary examination during a session of the Assembly. 62 V. (2), c. 6, s. 5.

Member not required to attend on preliminary examination during session.

26. Where a party to a petition deems that a preliminary examination is being carried on for an unreasonable length of time he may apply to a Judge of the Court on giving two clear days' notice to the opposite party, for an order that no further examination shall be had or that the examination shall be closed by a day to be named and the Judge may make an order accordingly or may make such other order as appears just and reasonable. 62 V. (2), c. 6, s. 5.

Stay of examination may be ordered.

27. A candidate for whom the seat is claimed although not a party to the petition may be orally examined as if he were a petitioner, and for the purpose of production of documents shall be deemed to be a petitioner. R.S.O. 1897, c. 11, s. 18.

Examination of candidate claiming seat.

28.—(1) A party to be examined orally, shall be examined before a Judge of the County Court, the Registrar or a Local Master or Special Examiner of the Supreme Court, or (by consent of the parties) before a Barrister-at-law specially named in the order for examination. R.S.O. 1897, c. 11, s. 19.

How examination of parties shall be had.

(2) The costs of and incidental to every preliminary examination shall be borne by the party procuring the examination, and shall not in any event be chargeable against the other party, or against the deposit in court. 62 V. (2), c. 6, s. 6.

Costs of preliminary examinations.

Depositions
to be filed.

29. When the examination is concluded, the original depositions, authenticated by the signature of the examiner, shall be transmitted by him to the office where the petition is filed; and any party to the petition shall be entitled to a copy of the depositions, or any part thereof, upon payment for the same at such rate as may be prescribed. R.S.O. 1897, c. 11, s. 21.

Production of
bills and
vouchers for
purpose of pre-
liminary ex-
amination.

30.—(1) If a preliminary examination is had the Returning Officer to whom the bills and vouchers relating to the election have been delivered as provided by *The Ontario Election Act* may be subpoenaed to produce such bills and vouchers for the purposes of the examination.

(2) Immediately upon the close of the examination the bills and vouchers shall be returned to the Returning Officer and verified copies thereof may be made and filed as exhibits in lieu of the originals. 62 V. (2), c. 6, s. 7.

Attendance of
prisoners as
witnesses.

31. Where the party to be examined is a prisoner the sheriff, gaoler or other officer having him in custody, shall take him before the examiner if so ordered by the Court or a Judge. R.S.O. 1897, c. 11, s. 23.

Depositions
may be used
on trial.

32. Every party to the petition shall be entitled to use, upon the trial, depositions of the opposite party; but where such party uses any portion of a deposition the Election Court may look at the whole deposition and allow such other part of it as is explanatory of the part used to be read in connection therewith. R.S.O. 1897, c. 11, s. 26.

TRIAL OF PETITIONS.

Registrar to
make out list
of petitions at
issue.

33.—(1) The Registrar shall, as soon as possible make out a list of all petitions which are at issue, placing them in the order in which they were presented, and shall keep at his office a copy of the list, open to the inspection of any person making application, and the petitions, as far as conveniently may be, shall be tried in the order in which they stand on the list.

Several peti-
tions relating
to same elec-
tion, how
placed on
election list.

(2) Where more petitions than one relating to the same election or return are presented, they shall in the election list be bracketed together and shall be dealt with as far as practicable as one petition; but the petitions shall stand on the election list in the place where the last of them would have stood if it had been the only petition presented, unless the Court otherwise directs. R.S.O. 1897, c. 11, s. 16.

Trial to be by
two judges.

34. Every petition shall be tried by two judges of the Supreme Court without a jury. R.S.O. 1897, c. 11, s. 31.

35.—(1) All such arrangements as may be necessary for the holding of the election courts and the assignment from time to time of the judges before whom the election trials and trials of persons charged with corrupt practices are to take place shall be made by the judges of the Supreme Court or a majority of them. R.S.O. 1897, c. 11, s. 32; 63 V. c. 5, s. 1; 6 Edw. VII. c. 19, s. 3. Assignment of judges for trial of petitions.

(2) Where occasion for so doing arises the Judges of the Supreme Court, or a majority of them, may at any time substitute for any Judge assigned to hold an Election Court any other Judge of the Supreme Court.

(3) The Judges of the Supreme Court, or a majority of them, may from time to time delegate to such of their number, not being less than four as they may see fit, the duties mentioned in subsection 1 or any of them.

36.—(1) The Lieutenant-Governor in Council may appoint a Registrar to be called the Registrar of the Election Court who shall attend the trials of petitions and perform such duties as may be prescribed by order in Council or Rule of Court. Registrar of Election Court. appointment of.

(2) Where the Registrar is unable to attend the Judges assigned to hold the Court may appoint a Registrar thereof and he shall be entitled to such fees as may be determined by the Lieutenant-Governor in Council. (*New.*) Absence of Registrar.

(3) The salary of the Registrar shall be determined by Order in Council and shall be in lieu of all fees. 4 Edw. VII. c. 10, s. 80. Salary.

37.—(1) The trial of a petition shall take place in the electoral district, the election or return for which is in question, unless it appears to the Election Court that it is desirable that the petition should be tried elsewhere in which case the Court may with the consent of the parties appoint such other place as appears most convenient. Place of trial.

(2) The Election Court may adjourn the trial from time to time, and from any one place to any other place within the electoral district, as may seem expedient. R.S.O. 1897, c. 11, s. 44. Judge may adjourn the trial.

(3) Nothing in this section contained shall prevent the Election Court from directing that the trial be adjourned to be continued or closed in Toronto. 62 V. (2), c. 6, s. 8. Adjournment to Toronto.

38. Notice of the time and place at which the petition will be tried shall be given in the prescribed manner, not less than fourteen days before the day on which the trial is to take place. R.S.O. 1897, c. 11, s. 41. Notice of trial.

Reception and attendance on the Judge.

39. The Judges shall be received and attended at the place where they are to try a petition, in the same manner, so far as circumstances will admit, as a Judge of the High Court is received and attended at a sittings of the High Court in a county town for the trial of actions. R.S.O. 1897, c. 11, s. 42.

Power of the Judge.

40. Subject to the provisions of this Act, the Judges constituting an Election Court shall have the same powers, jurisdiction and authority as Judges of the High Court, and the Election Court shall be a Court of Record. R.S.O. 1897, c. 11, s. 43.

Certain circumstances not to stop trial.

41. The trial or an appeal from a judgment of the Election Court may be proceeded with, notwithstanding the acceptance by the respondent of an office of profit under the Crown, or his resignation of the seat, or the prorogation or dissolution of the Assembly. R.S.O. 1897, c. 11, s. 45.

Application to change petitioner when delay in fixing day for trial.

42. Where three months have elapsed after the presentation of a petition, without the day for the trial having been fixed, any voter may, on application to the Court or a Judge, be substituted for the petitioner or petitioners on such terms as may be just. R.S.O. 1897, c. 11, s. 46.

Time for commencement of trial.

43.—(1) Subject to the provisions of section 44, the trial shall be commenced within six months from the time when the petition was presented, and shall be continued *de die in diem* until its conclusion, unless it appears to the Election Court that the requirements of justice render it necessary that the trial should be adjourned.

(2) The Election Court may upon application of either party, after the day of trial has been fixed, and before it has been commenced, postpone the trial on such terms as may be just.

(3) The Court of Appeal or a Judge thereof may upon application made before the expiration of the said period of six months, extend the time for fixing the day of trial, to a day before or after the expiration of the said six months. R.S.O. 1897, c. 11, s. 47.

When trial shall not be held, during a session or fifteen days thereafter.

44. If the member elect is entitled to take his seat, the trial shall not, without his consent, be held during, or within fifteen days after the close of a session of the Assembly; and in the computation of any time or delay allowed for any step or proceeding in respect of the trial, or for the commencement of the trial the time occupied by the Session shall not be reckoned. R.S.O. 1897, c. 11, s. 48.

Evidence.

Evidence.

45. Unless the Election Court otherwise directs evidence in support of a charge of a corrupt practice may be received, before proof has been given of the agency of the person alleged to have committed the corrupt practice. When evidence of corrupt practice may be received.
R.S.O. 1897, c. 11, s. 49.

46. On the trial of a petition complaining of an undue return and claiming the seat for some person, the respondent may give evidence to prove that the election of such person was undue, in the same manner as if the respondent had presented a petition under the provisions of section 14 Cross evidence of undue return.
R.S.O. 1897, c. 11, s. 50.

Witnesses.

47. Witnesses shall be subpoenaed and sworn in the same manner, as nearly as circumstances will admit, as on the trial of an action in the High Court. Witness, how subpoenaed and sworn. R.S.O. 1897, c. 11, s. 51.

48.—(1) The Election Court may, by order, compel the attendance as a witness at the trial of any person who appears to have been concerned in the election to which the petition relates, and any person refusing to obey such order shall be guilty of contempt of Court. Judge may order attendance of witnesses.

(2) The Election Court may examine any witness so compelled to attend or any person in Court, although he is not called and examined by a party to the petition.

(3) After the examination of the witness he may be cross-examined by or on behalf of the petitioner and respondent, or either of them. R.S.O. 1897, c. 11, s. 52.

(4) When a witness is a prisoner the gaoler or other officer having him in custody shall take him before the Election Court if so ordered by that Court or by a Judge of the Court of Appeal. (*New.*)

PERSONS NOT TO BE EXCUSED FROM GIVING EVIDENCE.

49.—(1) A person who is called before an Election Court shall not be excused from answering any question relating to an offence at or connected with the election, on the ground that the answer may criminate or tend to criminate him, or to establish his liability to a civil proceeding at the instance of the Crown or of any person or on the ground of privilege; Persons not excused from answering on ground of privilege.

Provided that

9 s.

(a)

Certificate of indemnity.

(a) a witness who answers truly all questions which he is required by the Election Court to answer shall be entitled to receive a certificate of indemnity under the hands of the members of such court, stating that the witness has so answered; and

Imp. Act, 46 & 47 V. c. 51, s. 59.

(b) any such answer to a question put by or before an Election Court shall not be admissible in evidence against him in any proceeding under any Act of the Legislature of Ontario.

Stay of proceeding against witness who has received certificate.

(2) Where a witness has received a certificate, and a legal proceeding is at any time instituted against him for an offence under or a contravention of *The Ontario Election Act*, committed by him before the date of the certificate at or in relation to the election, the court having cognizance of the proceeding shall on the production of the certificate stay the proceeding and may award to such person such costs as he may have been put to in the proceeding.

Proviso.

Provided that a witness who upon his own evidence is found by the Election Court to have been guilty of a corrupt practice, and who is reported therefor, shall be thereby subject to the penalties and disabilities mentioned in section 182 of *The Ontario Election Act*, unless such finding and report are reversed or set aside by the Court of Appeal. 63 V. c. 4, s. 27 (1-2).

Expenses of witnesses.

50. A person appearing to give evidence before an Election Court shall be entitled to the like fees and expenses as are allowed to witnesses on the trial of civil actions in the High Court, and such fees and expenses, if the witness was called and examined by the Election Court shall be deemed to be part of the expenses of providing a Court and in other cases shall be costs of the party calling the witness. R.S.O. 1897, c. 11, s. 54.

REPORTS AND CERTIFICATES.

Judge to determine the issue and certify his determination to the Speaker.

51. The Election Court shall determine whether the member whose return or election is complained of, or any and what other person was duly returned or elected, or whether the election was void, and shall also determine the matters in question on a petition (if any), presented under the provisions of section 14, and, except in the case of an appeal as hereinafter provided, shall certify their determination to the Speaker, and upon the certificate being given, such determination shall be final. R.S.O. 1897, c. 11, s. 55; 62 V. (1), c. 4, s. 7.

Report of Judges where charge is made of corrupt practices.

52. Where a charge is made in a petition of a corrupt practice having been committed, the Election Court shall, with the certificate, and at the same time, report as follows:—

9a s.

(a)

- (a) Whether any corrupt practice has been proved to have been committed by or with the actual knowledge and consent of any and of which candidate, and the nature of such corrupt practice;
- (b) The name of any person who has been proved to have been guilty of a corrupt practice;
- (c) The name of any person who upon his own evidence has been found guilty of a corrupt practice;
- (d) Whether corrupt practices have, or whether there is reason to believe that corrupt practices have, extensively prevailed at the election. R.S.O. 1897, c. 11, s. 59.
- (e) Whether they are of opinion that the inquiry into the circumstances of the election has been rendered incomplete by the action of any of the parties to the petition, and that further inquiry as to whether corrupt practices have extensively prevailed is desirable. (*New.*) See R.S.C. c. 7, s. 60.

53. The Election Court may also report specially as to Special report any matter arising in the course of the trial, an account of which ought to be submitted to the Assembly. R.S.O. 1897, c. 11, s. 60.

54.—(1) Where an appeal is had from their judgment on the trial of a petition the Election Court shall make the certificates and reports to the Court of Appeal and the same shall form part of the record upon the appeal. 62 V. (1), c. 4, s. 8. Certificate for Court of Appeal.

(2) The Election Court shall not certify their determination until after the security for costs of appeal has been deposited or until the time limited for depositing the security has expired. 62 V. (1), c. 4, s. 9. Certificate not to be issued during time for appealing.

55.—(1) Every certificate and every report shall be under the hands of both of the Judges constituting the Election Court. Report to be made by both Judges.

(2) If the Judges differ as to whether a member whose return or election is complained of was duly returned or elected, they shall certify that difference, and subject to appeal he shall be deemed to be duly returned or elected.

(3) If the Judges determine that a member was not duly returned or elected, but differ as to other matters arising upon the trial, they shall certify that difference, and subject to appeal the election shall be void.

(4)

(4) If the Judges differ as to any matter which might be the subject of a report, they shall certify that difference, and make no report on that matter. R.S.O. 1897, c. 11, s. 37 (1-5).

Speaker to communicate report to the Legislative Assembly.

Proceedings thereon.

56. The Speaker shall as soon as practicable after he receives a certificate or a certificate and report, communicate the same to the Assembly, and the same shall forthwith thereafter be entered on the Journals, and the Assembly may give the necessary directions for confirming or altering the return, or for issuing a writ for a new election, or for carrying the determination into execution as the circumstances may require. R.S.O. 1897, c. 11, s. 61.

If election set aside an appeal entered.

57.—(1) If the Election Court determines that a member was not duly returned or elected notwithstanding that an appeal from the decision is pending, he shall not be entitled to sit or vote in the Assembly until the appeal is disposed of, and the certificate of the Court received by the Speaker, but where the Election Court determines that some other person was elected or is entitled to the seat, such person shall, notwithstanding that an appeal is pending, be entitled to take his seat in the Assembly and to sit and vote until the appeal is disposed of and the certificate of the Court received by the Speaker. 62 V. (1), c. 4, s. 11.

(2) In the cases to which subsection 1 applies where an appeal is entered the Registrar shall forthwith notify the Speaker of the determination of the Election Court, and that an appeal therefrom is pending. (*New.*)

Time for issue of writ for new election.

58. A writ for a new election shall not be issued until after the expiration of eight days from the determination of the Election Court, that the return or election is void; and, if an appeal is in the meantime brought, the writ shall not issue, pending the appeal. R.S.O. 1897, c. 11, s. 64.

SPECIAL CASE.

Special case—hearing of by Court of Appeal.

59.—(1) Where it appears to the Court of Appeal or to the Election Court that the case raised by the petition can be conveniently stated as a special case either Court, upon the application of a party, or upon the consent of all parties, may direct the same to be stated accordingly; and such special case shall be heard before the Court of Appeal whose decision shall be final, and the Court of Appeal shall certify to the Speaker their judgment upon such special case and the petition. R.S.O. 1897, c. 11, s. 65.

(2) If it appears to the Election Court before or during the trial of a petition that there is a question of law which it would be convenient to have decided by the Court of Appeal before the trial of the petition is concluded the Election

Election Court may make an order accordingly, and may direct the mode in which the question shall be raised, and may in the meantime if it appears necessary, adjourn the trial of the petition until the question has been decided and shall thereafter deal with the petition upon the trial in accordance with the decision. (*New.*)

APPEALS.

60.—(1) Subject to the provisions of section 184 of *The Ontario Election Act* where the Judges constituting the Election Court disagree, they shall certify the disagreement as provided by section 55, and either party may thereupon bring the matter before the Court of Appeal, and that Court shall, in disposing thereof, have the same jurisdiction in all respects as on an appeal from a decision of the Election Court and may determine all questions of law and fact which the Election Court might or should have determined, and the Registrar shall certify the judgment of the Court of Appeal to the Speaker. R.S.O. 1897, c. 11, s. 56 (1); 62 V. (1), c. 4, s. 10 (1).

Disagreement between the trial Judges.

Application to Court of Appeal.

(2) Instead of determining all such questions the Court may refer the case back to the Election Court, with such declarations and directions as the Court may think fit; and the Election Court shall thereupon dispose of the case in accordance with such declarations and directions, and shall certify as the case may require. R.S.O. 1897, c. 11, s. 56 (2); 62 V. (1), c. 4, s. 10 (2).

61.—(1) Subject to the provisions of section 70 a party to a petition who is dissatisfied with the judgment of the Election Court may appeal therefrom to the Court of Appeal.

Appeal:

(2) The party appealing shall within eight days from the day on which the judgment was given deposit with the Registrar \$100 as security for costs.

Security of cost;

(3) The Registrar shall thereupon set the appeal down to be heard on a day to be appointed by the Court, or a Judge thereof. R.S.O. 1897, c. 11, s. 66.

Setting down for hearing;

(4) The appeal shall be given precedence over all ordinary business, but the Court may for sufficient cause postpone the hearing. 62 V. (1), c. 4, s. 15.

(5) The party appealing shall within three days after the security for costs has been given or within such further time as the Court or a Judge may allow, give to the other parties affected by the appeal, notice in writing that the appeal has been set down to be heard and by the same notice the party appealing may limit the appeal to any specific question. R.S.O. 1897, c. 11, s. 67.

Notice of setting down;

Hearing ;
Judgment.

62. The appeal shall thereupon be heard and determined by the Court, and such judgment shall be pronounced, as in the opinion of the Court should have been given by the Election Court. R.S.O. 1897, c. 11, s. 68.

Court to re-
view decision
upon facts as
well as law.

63. The Court shall review the judgment upon questions of fact as well as of law, and shall draw such inference from the facts or evidence as the Election Court should have drawn. R.S.O. 1897, c. 11, s. 69.

Powers of
Court as to
amendments
and evidence.

64. The Court shall have all the powers and duties as to amendment and otherwise of the Election Court and may require any witness to be re-examined and may receive further evidence, either by oral examination in Court, or by affidavit or by deposition taken before any Judge or other person whom the Court may name. R.S.O. 1897, c. 11, s. 70.

Judges may report upon demeanour of witnesses.

65. Where the judgment of the Election Court depends in whole or in part upon the credit given to particular witnesses, and the judgment is appealed against, the Election Court may make a written report as to the demeanour of the witnesses and their mode of giving their evidence, and of the reasons for giving credit to the particular witnesses. R.S.O. 1897, c. 11, s. 71.

Return of
deposit.

66. The Court may make such order as to the disposition of the deposit as may seem just. R.S.O. 1897, c. 11, s. 82.

Registrar to
certify judg-
ment to the
Speaker.

67. The Registrar shall certify to the Speaker the judgment of the Court in the same manner as the Election Court but for the appeal should have done; and shall certify as to the matters and things as to which the Election Court would but for such appeal have been required to report. R.S.O. 1897, c. 11, s. 73; 62 V. (1), c. 4, s. 12.

New trial.

68. Instead of certifying as aforesaid, the Court, upon such terms as to costs and otherwise as may seem just, may grant a new trial for the purpose of taking evidence, or additional evidence, and may remit the case to the Election Court, or to some other Election Court, and, subject to any directions of the Court of Appeal, the case shall be thereafter proceeded with as if there had been no appeal.

R.S.O. 1897, c. 11, s. 74.

Decisions of
Courts of
Appeal to be
final.

69. The judgment of the Court of Appeal on any matter or question under this Act or *The Ontario Election Act* shall be final, and shall not be subject to appeal. R.S.O. 1897, c. 11, s. 75.

No appeal in
certain cases.

70. There shall be no appeal from a decision of the Election Court that a candidate or other person has not been guilty

guilty of corrupt practices, or from a finding in favour of a candidate of any of the matters of defence mentioned in sections 180 or 182 of *The Ontario Election Act*. R.S.O. 1897, c. 11, s. 57 (6). 8 Edw. VII. c. 3.

WITHDRAWAL AND ABATEMENT OF ELECTION PETITIONS.

71.—(1) A petition shall not be withdrawn without the leave of the Court or a Judge upon special application, to be made in and at the prescribed manner, time and place. R.S.O. 1897, c. 11, s. 86. Withdrawal of petitions.

(2) The application shall not be made until the prescribed notice thereof has been given in the Electoral District. R.S.O. 1897, c. 11, s. 87. Notice of withdrawal.

(3) Where there are more petitioners than one, the application to withdraw a petition shall not be made, except with the consent of all the petitioners. R.S.O. 1897, c. 11, s. 92. All petitioners must join in withdrawal.

(4) On the hearing of the application, any person who might have been a petitioner, may apply to be substituted as the petitioner. Substitution of new petitioner

(5) The Court or Judge may substitute the applicant as the sole petitioner, and, if the proposed withdrawal appears to be induced by any corrupt bargain or consideration, may direct that the security given shall remain as security for any costs that the substituted petitioner may be ordered to pay, and that to the extent of the security the original petitioner or petitioners shall be liable to pay such costs. R.S.O. 1897, c. 11, s. 88. Order as to security where withdrawal is induced by corrupt bargain.

(6) If the Court or Judge makes no order with respect to the security given, security to the same amount as would be required in the case of a petition, and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with the petition, and within four days after the order of substitution. R.S.O. 1897, c. 11, s. 89. Security to be given by substituted petitioner.

(7) Subject as aforesaid, a substituted petitioner shall stand in the same position as nearly as may be, and be subject to the same liabilities as the original petitioner. R.S.O. 1897, c. 11, s. 90. Liabilities of substituted petitioner.

(8) If a petition is withdrawn, the petitioner shall pay the costs of the respondent, unless the Court or a Judge otherwise orders. R.S.O. 1897, c. 11, s. 91. Costs.

72. If it appears that the withdrawal of the petition was the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition, the Court or Judge Court to report whether withdrawal was the result of corrupt arrangement, etc.

Judge shall report to the Speaker the circumstances attending the withdrawal. R.S.O. 1897, c. 11, s. 93.

Abatement of
petition by
death.

73.—(1) A petition shall abate on the death of a sole petitioner, or of the survivor of several petitioners. R.S.O. 1897, c. 11, s. 94.

Costs.

(2) The abatement of a petition shall not affect any liability for costs previously incurred. R.S.O. 1897, c. 11, s. 95.

Notice of
abatement to
be given.

(3) On the abatement of a petition the prescribed notice of the abatement shall be given in the Electoral District; and any person who might have been a petitioner may apply to the Court or a Judge thereof in and at the prescribed manner, time and place, to be substituted as the sole petitioner. R.S.O. 1897, c. 11, s. 96.

Substitution of
new petitioner
on abatement.

(4) The Court or Judge may substitute the applicant as the petitioner upon his giving security to the same amount as is required in the case of a petition. R.S.O. 1897, c. 11, s. 97.

Substitution of
new petitioner
where peti-
tioner not
qualified.

74. Where a petitioner is not qualified to be a petitioner, the petition shall not, on that account, be dismissed, if within such time as the Court or a Judge allows for that purpose another petitioner is substituted, and the substitution shall be made on such terms and conditions as to the Court or Judge may seem meet. R.S.O. 1897, c. 11, s. 98.

Notice required
if respondent
dies or seat
becomes
vacant.

75.—(1) If, before or during the trial of a petition,—

(a) The respondent dies; or

(b) The Assembly resolves that the seat is vacant; or

(c) The respondent gives notice to the Court of Appeal or to the Election Court in and at the prescribed manner and time, that he does not intend to oppose, or further to oppose the petition;

notice of such event shall be given in the prescribed manner in the Electoral District.

Application to
be admitted as
a respondent.

(2) Within the prescribed time after the notice is given, any person who might have been a petitioner, may apply to the Court or a Judge to be admitted as a respondent to oppose the petition, or so much thereof as may remain undisposed of, and may be admitted accordingly, either with the respondent, if there be a respondent, or in place of the respondent; and any number of persons, not exceeding three may be so admitted.

Adjournment
of trial.

(3) If any of the events mentioned in subsection 1 happen during the trial, the Election Court shall adjourn the

the trial in order that notice may be given as hereinbefore provided. R.S.O. 1897, c. 11, s. 99.

(4) A respondent who has given the prescribed notice shall not be allowed to appear or act as a party against the petition in any proceeding thereon, and shall not sit or vote in the Assembly until the Assembly has been informed of the report on the petition; and the Court shall report the giving of the notice to the Speaker. R.S.O. 1897, c. 11, s. 100.

Respondent not opposing petition not to appear as a party or sit in the Legislative Assembly.

Trial for Corrupt Practices.

76.—(1) Any two of the Judges of the Supreme Court shall be and constitute a Court (hereinafter called the Summary Trial Court) for the trial of corrupt practices and of offences punishable under section 201 of *The Ontario Election Act* committed at or in connection with an election. R.S.O. 1897, c. 9, s. 187.

Court for trial of corrupt practices.

(2) For the purposes of this section the Election Court trying a petition shall be also a Summary Trial Court.

Election Court a summary trial court.

(3) If it is made to appear to a Judge of the Supreme Court or to an Election Court by affidavit or by the evidence taken on the trial of the petition or otherwise that any person is charged with or has committed any such corrupt practice or offence, the Judge or the Election Court, as the case may be, may order such person to appear before a Summary Trial Court to answer the charge stated in the order at the time and place named therein. R.S.O. 1897, c. 9, s. 188 (1-2).

Order of Court where person charged with corrupt practice.

(4) The order may be served by delivering a copy thereof to the person charged or in such other manner as the Judge or the Election Court or the Summary Trial Court may direct. R.S.O. 1897, c. 9, s. 188 (3).

Service of order.

(5) If the person charged does not attend at the time and place named in the order the Summary Trial Court may issue a warrant to compel his attendance. R.S.O. 1897, c. 9, s. 188 (5); 63 V. c. 4, s. 33.

Issue of warrant on non-attendance.

(6) At the time and place named in the order and upon proof of the service thereof, whether the person charged appears or not the Summary Trial Court shall hear and determine the charge in a summary manner, and shall have the same powers, jurisdiction and authority for the investigation as an Election Court at the trial of a petition alleging corrupt practices, and may adjourn the hearing and the rendering of a decision from time to time and from place to place as may be deemed proper. R.S.O. 1897, c. 9, s. 188 (4); 63 V. c. 4, s. 33.

Disposal of case by Court.

Powers of Court.

(7) The person charged shall be entitled to be represented by counsel and to make his full answer and defence and

Person charged to be allowed

to make full
defence.

and to call and examine and to cross examine witnesses in the same manner and to the same extent as a party to a petition. R.S.O. 1897, c. 9, s. 188 (6).

Order for pay-
ment of money
penalty and
imprisonment,
if any.

(8) If it is found that the person charged has been guilty of any corrupt practice or offence mentioned in the order, the Court shall adjudge the same accordingly and shall order that the person charged shall suffer the imprisonment or shall pay the amount of the money penalty and in default suffer the imprisonment, authorized or provided by law for the corrupt practice or offence of which he has been found guilty and if imprisonment is imposed may direct in what gaol or other place of confinement the person found guilty shall be imprisoned, and if no place is named the imprisonment shall be in the common gaol of the county in which the sentence is pronounced. R.S.O. 1897, c. 9, s. 188 (7).

Costs.

(9) The Court shall have power by the same or a subsequent order to direct by whom the costs of the person prosecuting the charge or of the person charged or any part thereof shall be paid, and where costs are payable by a person found guilty payment may be enforced in the same manner as the payment of a money penalty.

Imprisonment
in default of
payment of
money penalty.

(10) Where a money penalty is imposed the Court shall direct that in default of the amount being paid forthwith or within a time not exceeding one month, to be limited by the Court the person found guilty shall be imprisoned for a term not exceeding one year, in any gaol or other place of imprisonment to be named by the Court, unless the amount of the penalty shall be sooner paid; and in default of any place being named the imprisonment shall be in the common gaol of the county in which the sentence is pronounced. R.S.O. 1897, c. 9, s. 188 (11).

Commence-
ment of term of
imprisonment.

(11) Where a money penalty is imposed in addition to imprisonment the term of imprisonment in default of payment shall begin at the expiration of such first mentioned imprisonment.

Power of Court
as to imprison-
ment.

(12) For the infliction of the imprisonment imposed whether in the first instance or in default of payment of a penalty or of costs the Court shall have the like authority as the High Court to give effect to the judgment of the Court, and the sheriff and gaoler shall obey all orders of the Court made in that behalf. R.S.O. 1897, c. 9, s. 188 (12).

Judgment
a bar.

(13) The judgment shall be a bar to any other proceeding against the same person for the offence of which he has been found guilty.

Notice to per-
son charged

(14) If, upon the trial of a petition or upon the trial of any person under this section it appears to the Court that a person

person then present in Court has committed any such corrupt practice or offence, the Court may then and there state to him the corrupt practice or offence with which he is charged, and may appoint a time and place for his trial, and it shall not be necessary to serve any further order for his attendance and the same proceedings may be had as if an order had been made and served under subsections (3) and (4). R.S.O. 1897, c. 9, s. 188 (8).

when present
in court.

(15) The Election Court may direct any counsel or solicitor present at the trial of a petition or the County Crown Attorney of the County in which the trial takes place to institute and carry on proceedings under this section against any person who from the evidence given at the trial appears to have committed such corrupt practice or offence. R.S.O. 1897, c. 9, s. 188 (9).

Direction of
prosecution.

(16) A County Crown Attorney or a counsel or solicitor who is directed to institute and carry on proceedings shall be entitled to costs and fees according to the High Court scale or to such scale as may be fixed by the Lieutenant-Governor in Council, and if such costs and fees are not recovered from the person charged they shall be paid in the case of a County in the first instance by the County and the County shall be reimbursed out of the Consolidated Revenue Fund, and in the case of a District they shall be paid out of the Consolidated Revenue Fund.

Fees of counsel
other than
Crown
Attorney.

(17) Witnesses shall be entitled to receive fees and allowances for attending at the proceeding payable on the scale, and in the manner provided by *The Act to provide for the Payment of Witnesses for the Crown*. 63 V. c. 4, s. 26 (2).

(18) The Court may upon the application of the person prosecuting the charge make an order for payment forthwith of the penalty imposed and costs without directing imprisonment in default of payment, and that execution may be issued out of such office of the High Court as the Court may direct, and that any other proceedings may be taken for the recovery of the penalty imposed and costs which might be taken upon a judgment of the High Court.

Order for pay-
ment and issue
of execution.

(19) If a money penalty is recovered at the instance of a private prosecutor under this section one half shall belong to him and the other half to the Crown. R.S.O. 1897, c. 9, s. 188 (16).

Application
of money
penalties.

(20) Where practicable the Election Court trying a petition shall, during such trial, or immediately thereafter, proceed with the trial of persons who appear to have committed or who are charged with having committed any such corrupt practices or offences. 63 V. c. 4, s. 26 (1).

Trial for cor-
rupt practices
to follow trial
of petition.

(21)

Limitation of time for commencement of prosecution.

(21) Every such proceeding shall be commenced within the space of one year next after the corrupt practice or offence complained of was committed and not afterwards. R.S.O. 1897, c. 9, s. 195 (3).

COSTS GENERALLY.

Costs to be in discretion of Court.

77. Except as otherwise herein provided the costs, charges and expenses of and incidental to or consequent upon or arising out of a petition shall be in the discretion of the Court or Judge before whom the proceeding is pending who shall have full power to determine by whom, in what manner and to what extent the same shall be paid. R.S.O. 1897, c. 11, s. 102; 2 Edw. VII. c. 11, s. 4.

When petition filed before notice of disclaimer.

78. If a petition is filed before the petitioner has notice of the filing of a disclaimer, and is dismissed in consequence of the disclaimer, the respondent shall pay all costs of the petitioner up to the time the petitioner receives notice of the disclaimer, and the costs of the application to dismiss. R.S.O. 1897, c. 11, s. 103 (1).

[For provisions as to candidate disclaiming, see Cap. 12, secs. 19-24.]

When agent may be ordered to pay costs.

79.—(1) If, on the trial of a petition it is adjudged that a corrupt practice has been committed by an agent, but without the actual knowledge and consent of the candidate and costs are awarded against the candidate, the Election Court on the application of any party to the petition may order the agent to be summoned to appear before an Election Court at a time fixed in the order to show cause why he should not be ordered to pay such costs or so much thereof as may seem just and to indemnify the candidate against the payment thereof.

If agent does not appear.

(2) If, at the time so fixed the agent does not appear he may be ordered upon the evidence given at the trial of the petition, and such further evidence if any as may be adduced to pay the whole or such part of the costs awarded against the candidate as may seem just, and to indemnify the candidate against the payment thereof, and if the agent appears such order may be made as may seem just after hearing the parties and such evidence as may be adduced. R.S.O. 1897, c. 11, s. 104 (1-3).

Execution for costs.

(3) The party to whom costs are awarded shall be entitled to issue execution for the amount ordered to be paid by the agent against the agent as well as against the candidate.

Repayment of costs by agent to candidate.

(4) If the costs awarded against the agent are paid by the candidate he shall be entitled to be repaid the same by the

the agent, and may upon the order of the Court of Appeal or a Judge issue execution against the agent therefor.

80.—(1) The total amount to be allowed for counsel fees in respect to the trial upon taxation as between party and party shall not exceed \$50 for the first day upon which the trial is held, and \$40 for each subsequent day during which it is continued. Taxation and recovery of costs.

(2) No greater sum than \$300 in addition to counsel fees shall be taxable against either party as costs in the cause in addition to witness fees and other actual and necessary disbursements taxable as between party and party in an action in the High Court. R.S.O. 1897, c. 11, s. 106. Counsel fees.

(3) This section shall not apply to costs taxable against a candidate who has incurred the penalties and disabilities provided by *The Ontario Election Act* for corrupt practices committed by him or with his actual knowledge and consent. R.S.O. 1897, c. 11, s. 110. No limitation in certain cases.

81.—(1) A party to whom costs are awarded against the petitioner may, within 30 days from the date of the judgment or order awarding the same or within such other time as the Court or Judge may allow, file the certificate of taxation with the Registrar and at the expiration of the said period shall be entitled to receive out of the deposit the amount taxed to him. Recovery of costs against petitioner.

(2) If the total amount of the certificates so filed exceeds the deposit each of the parties filing the same shall be entitled to receive his proportion thereof, and may forthwith issue execution for the residue. R.S.O. 1897, c. 11, s. 108.

82. The costs of a petition shall not be awarded against a candidate where he is not, by the judgment of the court, unseated; but this section shall not apply to cross petitions. R.S.O. 1897, c. 11, s. 109. Costs not to be awarded against candidate who is not unseated.

83. No costs beyond those taxable between party and party shall, in the absence of a special contract, be taxable between solicitor and client. R.S.O. 1897, c. 11, s. 111. Provisions as to costs not specially provided for.

MISCELLANEOUS.

84. Unless the Election Court otherwise directs, it shall not be necessary on the trial of a petition or of any proceeding under this Act to prove the writ of election or the return thereof. R.S.O. 1897, c. 9, s. 195, par. 4. Writ, etc., need not be produced at trial.

85. The Court of Appeal and any Judge of the Supreme Court, for the purpose of enforcing obedience to any judgment Power to punish for contempt

tempt, and
enforce rules. ment or order, or for punishing contempt shall have power
to grant a writ of attachment. R.S.O. 1897, c. 11, s. 114.

Travelling and
other expenses
of the Judge
and Sheriff. 86. The travelling and other expenses of the Judges
and the expenses incurred by the Sheriff in attending
them, and providing a Court and accessories shall be paid
out of moneys appropriated by the Legislature for that pur-
pose. R.S.O. 1897, c. 11, s. 117.

Prosecution of
persons report-
ed for corrupt
practices. 87. Where an Election Court reports that any person
has been guilty of a corrupt practice, it shall be the duty
of the County Crown Attorney to prosecute such person
unless the Election Court otherwise directs. R.S.O. 1897,
c. 11, s. 118.

Election not to
be questioned
except under
Act. 88. No election or return shall be questioned except in
accordance with the provisions of this Act. (*New.*)

Rev. Stat., c.
11, repealed. 89. Chapter 11 of the Revised Statutes of Ontario, 1897,
intituled *An Act respecting Controverted Elections of
Members of the Legislative Assembly* and all amendments
thereto are hereby repealed.

CHAPTER 5.

An Act respecting the Legislative Assembly.

Assented to 14th April, 1908.

SHORT TITLE, s. 1.

Interpretation of "Assembly,"
s. 2.COMPOSITION OF ASSEMBLY, s. 3
(1).NOT TO BE DISSOLVED BY DEMISE
OF THE CROWN, s. 3 (2).DURATION OF LEGISLATIVE ASSEM-
BLY, s. 4.

YEARLY SESSIONS, s. 5.

PROROGATION, s. 6.

PERSONS DISQUALIFIED AS MEM-
BERS—Aliens, Senators and Members
of House of Commons, s. 7.Votes for disqualified persons
thrown away, s. 8.Members of Assembly elected
to Commons or appointed
Senator vacates seat, s. 9.Persons holding offices under
the Crown, s. 10.Public Contractors, ss. 11-12.
No disqualification until de-
clared by Court, s. 13.Election of persons disquali-
fied to be void, s. 14.ACCEPTANCE OF OFFICE WHEN TO
VACATE SEAT, s. 15.PENALTIES FOR SITTING AND VOT-
ING WHILE DISQUALIFIED, s.
16.AFFIDAVIT TO BE MADE BY MEM-
BERS ELECT AS TO ELECTION
EXPENSES, s. 17.

DISCLAIMER OF SEAT, ss. 18-22.

Writ of issue if no petition
filed, s. 22.RESIGNATION OF MEMBERS, ETC.,
AND FILLING VACANCIES, ss.
23-34.Resignation before meeting of
Assembly after a general
election, s. 23.Resignation by member in his
place, or by notice to
Speaker, s. 24.Resignation when there is no
Speaker, s. 25.Persons declared not elected
not to sit or vote, s. 26.New election where election
declared void, ss. 27-30.Persons declared elected may
sit and vote, s. 30.Writ for new election not to
issue during session in cer-
tain cases, s. 31.Issue of warrant for new elec-
tion ss. 32-34.

THE SPEAKER—

Election, ss. 35, 36.

Salary, s. 37.

Duties, s. 38.

Cases of absence of Speaker,
ss. 39-42.POWERS AND PRIVILEGES OF THE
ASSEMBLY—Compelling attendance of wit-
nesses, ss. 43, 44.Protection of persons acting
under warrants, etc., s. 45.

Freedom of Speech, s. 46.

Freedom from arrest, s. 47.

Exemption from jury service,
s. 48.Penalty for receiving fees, for
matters intended to come
before the Assembly, ss. 49-
51.Receiving fees to be a corrupt
practice and to vacate seat,
ss. 52, 53.

POWERS

POWERS OF ASSEMBLY TO INQUIRE
INTO AND PUNISH CERTAIN OFFENCES—

Assaults, insults, libels, s. 54
(a).

Obstructing, threatening, s.
54 (b).

Bribery, s. 54 (c).

Interference with officers, s.
54 (d).

Tampering with witnesses, s.
54 (e).

Giving false evidence, s. 54
(f).

Disobeying subpoena, s. 54 (g).

Presenting false documents, s.
54 (h).

Falsifying records, s. 54 (i).

Bringing action for conduct
as a member, s. 54 (j).

Arresting members for debt,
s. 54 (k).

Jurisdiction to try, s. 54 (2).

Punishments, s. 55-57.

PROTECTION OF PERSONS PUBLISH-
ING PAPERS PRINTED BY ORDER
OF THE ASSEMBLY, ss. 58-60.

OTHER PRIVILEGES NOT AFFECTED
BY THIS ACT, s. 61.

QUORUM, s. 62.

MANNER OF VOTING, s. 63.

MONEY VOTES, s. 64.

ESTATE BILLS, s. 65.

ADMINISTRATION OF OATHS TO WIT-
NESSES, ss. 66-67.

INDEMNITY TO MEMBERS, ss. 68-
74.

REPEALING R.S.O., c. 12 AND
AMENDING ACTS, s. 75.

HIS MAJESTY, by and with the advice and consent
of the Legislative Assembly of the Province of
Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Legislative Assembly Act*. (New).

Interpretation.

2. In this Act the word "Assembly" shall be construed
as meaning The Legislative Assembly of the Province of
Ontario. (New).

Assembly—
how composed.

8 Edw. VII.,
c. 2.

3.—(1) The Assembly shall be composed of so many
members as shall, from time to time, be fixed by *The Act
respecting Representation of the People in the Legisla-
tive Assembly*.

Not dissolved
by demise of
the Crown.

(2) The Assembly shall not determine or be dissolv-
ed by the demise of the Crown, but shall continue, and
may meet, convene and sit, proceed and act, in the same
manner as if such demise had not happened.

Power to pro-
rogate or dis-
solve not af-
fected.

(3) Nothing in this section shall alter or abridge the
power of the Crown to prorogue or dissolve the Assembly.
R.S.O. 1897, c. 12, s. 2.

Duration of
Legislative
Assembly.

4. Every Assembly shall continue for four years from
the fifty-fifth day after the date of the writs for the elec-
tion and no longer, subject to being sooner dissolved by
the Lieutenant-Governor. R.S.O. 1897, c. 12, s. 3.

Yearly Ses-
sion of Legisla-
ture.

5. There shall be a Session of the Legislature once at
least in every year, so that twelve months shall not inter-
vene between the last sittings of the Legislature in one
Session and its first sittings in the next. R.S.O. 1897, c.
12, s. 4.

6. It shall not be necessary for the Lieutenant-Governor in proroguing the Legislature to name any day to which the same is prorogued; nor to issue a formal proclamation for a meeting of the Legislature when it is not intended that the Legislature shall meet for despatch of business R.S.O. 1897, c. 12, s. 5.

Prorogation of Legislature; formal proclamations unnecessary.

DISQUALIFICATIONS.

7. No person who is not a British subject by birth or naturalization shall be eligible as a member of the Assembly. (*New*).

Alien, Senator or Member of House of Commons disqualified.

8. No person who on the day of nomination for election to the Assembly is a Senator or member of the House of Commons of Canada shall be eligible as a member of the Assembly or be returned as elected thereto, and if any such person receives a majority of votes at an election the votes cast for him shall be thrown away and the Returning Officer shall return the person having the next greatest number of votes if he is otherwise eligible. See R.S.C. 1906, c. 6, s. 71, *amended*.

Votes for disqualified person to be thrown away.

9. If a Member of the Assembly is elected and returned to the House of Commons or is appointed to the Senate of Canada, his seat in the Assembly shall thereupon be vacated and a writ shall issue forthwith for a new election to fill the vacancy. (*New*). See R.S.C. 1906, c. 11, s. 3.

Member of Assembly elected to House of Commons or appointed Senator vacates seat.

10.—(1) Except as hereinafter specially provided, no person accepting or holding any office, commission or employment, permanent or temporary, in the service of the Government of Canada, or of the Government of Ontario, at the nomination of the Crown or at the nomination of any of the officers of the Government of Canada or of the Government of Ontario to which any salary, fee, wage, allowance, emolument or profit of any kind is attached shall be eligible as a member of the Assembly, or shall sit or vote therein. (*New*). See R.S.C. c. 10, s. 10.

Persons holding office, etc., at the nomination of the Crown, etc., ineligible.

(2) Nothing in this section shall render ineligible as aforesaid or disqualify from sitting and voting in the Assembly when not otherwise disqualified, Exceptions.

(a) A Member of the Executive Council;

Members of Executive Council.

(b) An officer of his Majesty's Army or Navy, or an officer in the Militia or a Militiaman (except officers on the staff of the Militia receiving permanent salaries);

Officers in military or naval service.

10 s.

(c)

Justices of the Peace, etc.

- (c) A Justice of the Peace, Coroner, Notary Public or Public School Inspector. R.S.O. 1897, c. 12, s. 8 (3-4).

No public contractor eligible.

11. No person holding or enjoying, undertaking or executing, directly or indirectly, alone or with another, by himself or by the interposition of a trustee or third person, any contract or agreement with His Majesty, or with any public officer or department, with respect to the public service of Ontario, or under which any public money of Ontario is to be paid for any service, work, matter or thing, shall be eligible as a member of or sit or vote in the Assembly. R.S.O. 1897, c. 12, s. 9; 5 Edw. VII. c. 13, s. 2.

Exceptions.

12.—(1) No person shall be ineligible as a member of the Assembly,

Trustees for estates of contractors not to be disqualified.

- (a) By reason of his being interested as an executor, administrator or trustee only, having otherwise no beneficial interest in any such contract or agreement. R.S.O. 1897, c. 12, s. 10 (1).

Shareholders in contracting companies not disqualified.

- (b) By reason of his being a shareholder or stockholder in an incorporated company having any such contract or agreement; unless such contract or agreement is for the building of a public work for the Province, and such building or work has not been let by tender to the lowest bidder. R.S.O. 1897, c. 12, s. 10 (2); 4 Edw. VII. c. 2, s. 1; 6 Edw. VII. c. 19, s. 5.

Exceptions.

Lenders of money to Government.

- (c) By reason of his being a contractor for the loan of money or for securities for the payment of money to the Government of Ontario under the authority of the Legislature after public competition or respecting the purchase or payment of the public stock or debentures of Ontario on terms common to all persons. (*New*). See R.S.C. c. 10, s. 19 (c).

Holder of mining license, etc.

- (d) By reason of his being the holder of a mining license or having a contract or agreement with His Majesty or with any public officer or department with respect to the same or to mines or mining rights; but no such person shall vote on any question affecting such license, contract or agreement or in which he is interested by reason thereof.

Owners and persons interested in certain newspapers not disqualified.

- (e) By reason of his being proprietor of or otherwise interested in a newspaper or other periodical publication in which official advertisements are inserted which appear in other newspapers or publications

publications in Ontario, or which is subscribed for by the Government of Ontario, or any department thereof, or by any of the public institutions of the Province, unless such advertisements or subscriptions are paid for out of the public moneys of Ontario, at rates greater than usual rates. R.S.O. 1897, c. 12, s. 10 (4), *amended*.

- (f) By reason of his holding a license, permit or permission for cutting timber, or being interested in any such license, permit or permission, directly or indirectly, alone or with another, by himself or by the interposition of a trustee or third person, or by reason of there being money due or payable to His Majesty in respect of timber cut; but no such person shall vote on any question affecting such license, permit or permission, or in which he is interested by reason thereof. R.S.O. 1897, c. 12, s. 11.

Timber licensee not disqualified from sitting in Legislature.

- (g) By reason of his being the holder of a fishery license, or having a contract or agreement with His Majesty or with any public officer or department with respect to the same or to fisheries or fishing rights; but no such person shall vote on any question affecting such license, contract or agreement, or in which he is interested by reason thereof. 62 V. (1), c. 4, s. 20, *amended*.

Fishery licensee not disqualified.

- (h) By reason of his being a surety or contractor or liable for the payment of money for or on account of the maintenance or tuition of an inmate or pupil of any Government institution. R.S.O. 1897, c. 12, s. 10 (3), *part*.

Liability for support of inmates of certain institutions not to disqualify.

- (i) By reason of his being a postmaster elsewhere than in a city, town or incorporated village, or interested in a contract for carrying the mail between two or more post offices neither of which is in a city, town or incorporated village or of his being the surety of any such postmaster or contractor. R.S.O. 1897, c. 12, s. 10 (3), *part*.

Certain postmasters and mail carriers.

- (j) By reason of his being a surety for a public officer or Ontario Land Surveyor or other person required by law to furnish security to the Crown. R.S.O. 1897, c. 12, s. 12 (1), *amended*.

Exception as to sureties of public officers.

(2) A person elected a member of the Assembly, who is at the time of his election a surety as aforesaid, shall, before he sits or votes therein take and complete such action as may be requisite to relieve him from any thereafter

Sureties to take necessary action to be relieved before sitting.

thereafter accruing liability in respect of his suretyship, and no person who is liable as such surety in respect of any accruing matter shall sit or vote in the Assembly. R.S.O. 1897, c. 12, s. 12 (2).

Disqualification before election not to apply until declared by courts.

Exceptions as to certain cases.

13. No disqualification, under sections 10 or 11 of this Act, on any ground arising before the election shall be held by any Court to affect the seat of a member of the Assembly, or to disentitle any person to sit or vote therein, until such disqualification has been duly found and declared by an Election Court; but this is not to be construed as affecting the cases provided for by subsection 2 of section 12; nor as affecting the right of the Assembly to expel a member according to the practice of Parliament or otherwise. R.S.O. 1897, c. 12, s. 14.

Election of person disqualified to be void.

14. If a person who is disqualified or ineligible or incapable of being elected a member of the Assembly, is nevertheless elected and returned, his election and return shall be null and void. R.S.O. 1897, c. 12, s. 15.

If member disqualified by accepting office or contract, seat to be vacated.

May be re-elected.

15.—(1) If a member of the Assembly by becoming a member of the Executive Council, or by accepting any other office or becoming a party to a contract or agreement as in sections 10 and 11 mentioned, is disqualified by law to continue to sit or vote in the Assembly, his seat shall be vacated; but he may be re-elected if he is not declared ineligible under this Act.

Certain officers may resign one office and accept another without vacating seat.

(2) Nevertheless, whenever any person holding the office of President of the Council, Attorney-General, Secretary and Registrar of the Province, Treasurer of the Province, Minister of Lands, Forests and Mines, Minister of Agriculture, Minister of Public Works, or Minister of Education, and being at the same time a member of the Assembly, resigns his office, and within one month after his resignation accepts any other of the said offices, he shall not thereby vacate his seat in the Assembly, unless the Administration of which he was a member has resigned, and a new Administration occupies the said offices; and in case a member of the Executive Council holding any one of the said offices, is appointed to hold another office in addition to or in connection with such first mentioned office, he shall not thereby vacate his seat; and any increase or change of emolument arising from the holding of such two offices shall not cause a vacancy, or render a re-election necessary. R.S.O. 1897, c. 12, s. 16.

No disqualified person shall sit or vote.

Penalty.

16.—(1) Subject to the provisions of section 13, a person ineligible as a member of or disqualified from sitting or voting in the Assembly who sits or votes therein while he is so ineligible or disqualified, shall forfeit the sum of \$2,000

\$2,000 for every day on which he so sits or votes, and the said sum may be recovered from him by any person who sues for the same in any court of competent jurisdiction.

(2) If any action is brought and judgment is recovered against the defendant, no other action shall be brought or proceeding taken against the same person for any offence under this section committed before notice to him of the recovery of the judgment.

After judgment no second action without notice of judgment.

(3) The Court wherein any other action is brought, contrary to the intent and meaning of this Act, may, upon the defendant's motion, stay the proceedings therein, if the first mentioned action be prosecuted without fraud, and with effect; but no action shall be deemed an action within this section, unless so prosecuted. R.S.O. 1897, c. 12, s. 17.

Staying proceedings in other actions.

OATH OF MEMBER-ELECT.

17. Before a member elect is permitted to take the oath required by section 128 of *The British North America Act*, he shall file with the Clerk, an affidavit, Form 1. R.S.O. 1897, c. 12, s. 18.

Member elect before taking oath as member to file affidavit as to election expenses, etc.

DISCLAIMER.

18. A member elect may at any time before his election is complained of disclaim his seat in the manner herein-after provided, and he shall thereby vacate the seat, and cease to be a member in respect of the seat so disclaimed. See R.S.O. 1897, c. 12, s. 19.

Disclaimer by member elect.

19. A member elect who desires to disclaim may transmit (postpaid and registered), through the post office, directed to "The Clerk of the Legislative Assembly, Toronto," or may cause to be delivered to the Clerk, a disclaimer signed by the member in the presence of two subscribing witnesses to the effect following:—

Mode of disclaiming.

"I, A. B., member elect to the Legislative Assembly for the electoral district of _____, hereby disclaim all my right or title to sit or vote or in any manner to act as such member."

Form of disclaimer.

See R.S.O. 1897, c. 12, s. 20.

20. The Clerk shall, on receiving a disclaimer, forthwith send a copy thereof

Copy of disclaimer to be sent.

(a) In the case of an election which has taken place in the County of York or the City of Toronto, to the Registrar of the Court of Appeal at Toronto;

In County of York or Toronto to Registrar of Court of Appeal.

(b) In the case of an election which has taken place elsewhere, to the Local Registrar, or if there is no Local Registrar, to the Deputy Clerk of the

In other places to Local Registrar or Deputy Clerk of Crown.

Crown

Crown of the High Court of Justice for the County or Provisional Judicial District, as the case may be, in which the electoral district for which the member so disclaiming or any part thereof is situate was elected. See R.S.O. 1897, c. 12, s. 22.

Dismissal of
petition where
disclaimer
filed.

21. A petition which has been presented before the petitioner has notice of the filing of a disclaimer and in which the election is complained of on any ground other than of corrupt practices committed by the member elect, or of corrupt practices having extensively prevailed at the election and in which the seat is not claimed for the petitioner or some other person, may be dismissed by a Judge of the Court of Appeal on notice to the petitioner and on proof by affidavit that such disclaimer has been given in the prescribed manner.

Issuing writ
when no peti-
tion filed after
disclaimer.
8 Edw. VII.,
c. 4.

22. If no petition is filed within the time limited for that purpose by *The Ontario Controverted Elections Act*, or if the petition is dismissed, the Lieutenant-Governor in Council may direct the issue of a new writ for the election of a member in the place of the member disclaiming. R.S.O. 1897, c. 12, s. 24.

RESIGNATION.

Resignation
before meeting
of Legislature.

23. If a person returned as elected for one or more Electoral Districts at a general election wishes to resign his seat, or one of his seats, before the first meeting of the Legislature thereafter, he may address and cause to be delivered to any two members elect of the Assembly a declaration that he resigns his seat, made in writing under his hand before two subscribing witnesses, and the two members upon receiving the declaration shall forthwith address their warrant under their hands and seals to the Clerk of the Crown in Chancery for the issue of a writ for the election of a member for the Electoral District in the place of the member so resigning, and the writ shall issue accordingly. R.S.O. 1897, c. 12, s. 26.

Resignation
of seat.

24.—(1) A member may also resign his seat—

- (a) By giving in his place in the Assembly notice of his intention to resign it, which notice shall be immediately entered by the Clerk upon the Journals of the Assembly; or
- (b) By addressing and causing to be delivered to the Speaker a declaration that he resigns his seat, made in writing under his hand before two subscribing witnesses, which declaration may be

be so made and delivered either during a session of the Legislature or in the interval between two sessions.

(2) An entry of the declaration so delivered to the Speaker shall thereafter be made upon the Journals of the Assembly.

(3) Immediately after the notice of intention to resign has been entered upon the Journals, or after the receipt of the declaration, as the case may be, the Speaker shall address his warrant under his hand and seal to the Clerk of the Crown in Chancery for the issue of a writ for the election of a member in the place of the member so resigning, and in either case a writ shall issue accordingly. R.S.O. 1897, c. 12, s. 34 (1-2).

25. If a member wishes to resign his seat in the interval between two Sessions of the Legislature, and there is then no Speaker, or the Speaker is absent from the Province, or if the member is himself the Speaker, he may address and cause to be delivered to two members, the declaration before mentioned, and the two members, upon receiving the declaration, shall forthwith address their warrant under their hands and seals to the Clerk of the Crown in Chancery for the issue of a writ for the election of a member in the place of the member so resigning, and the writ shall issue accordingly. R.S.O. 1897, c. 12, s. 35; 63 V. c. 17, s. 3 (2).

Proceedings where a member wishes to resign where there is no Speaker, or the member is himself the Speaker.

26.—(1) A member or member elect tendering his resignation in any manner hereinbefore provided for shall be deemed to have vacated his seat and to have ceased to be a member of the Assembly in respect thereof. R.S.O. 1897, c. 12, s. 34 (3).

Seat vacated on resignation.

(2) A member or member elect shall not tender his resignation while his election is controverted, nor until after the expiration of the time within which an election petition may be filed. R.S.O. 1897, c. 12, s. 34 (4).

27. Forthwith after the receipt by the Speaker, or, if there is no Speaker, or the Speaker is absent from the Province, by the Clerk of the House, of a certificate under *The Ontario Controverted Elections Act* that an election was void, the Speaker or Clerk, as the case may be, shall address his warrant under his hand and seal to the Clerk of the Crown in Chancery for the issue of a writ for the election of a member for the electoral district, the election for which has been certified to be void, and the writ shall issue accordingly. R.S.O. 1897, c. 12, s. 28; 63 V. c. 17, s. 3 (1).

Issue of writ for new election, when election declared void.

Speaker to
notify to
Clerk.

28. The Speaker shall forthwith after the receipt of the certificate, in the next preceding section mentioned, communicate the same to the Clerk of the Assembly. R.S.O. 1897, c. 12, s. 29.

Proceedings to
be reported to
Legislative
Assembly.

29. The proceedings taken under the next preceding six sections by the Speaker or Clerk shall be reported to the Assembly at the earliest practicable time, and shall be forthwith entered on the Journals. R.S.O. 1897, c. 12, s. 30.

Persons de-
clared not
elected not to
sit or vote.

30.—(1) If a person returned as elected appears by the certificate mentioned in section 27 not to have been duly returned or elected, he shall not thereafter unless re-elected sit or vote in that Assembly. R.S.O. 1897, c. 12, s. 31.

Persons de-
clared elected
by Judge may
sit and vote.

(2) If a person, other than the person returned as elected, appears by the certificate to have been duly returned or elected, he shall thereupon be entitled to sit and vote in the Assembly. R.S.O. 1897, c. 12, s. 32.

Writ not to
issue during
session.

31. No writ shall issue under any of the provisions of the next preceding eight sections during a Session of the Assembly. R.S.O. 1897, c. 12, s. 33.

Proceedings in
case of va-
cancy by death
or acceptance
of office.

32.—(1) If a vacancy happens in the Assembly by the death of a member, or by his accepting an office, commission or employment, or by his becoming a party to a contract as mentioned in section 11, unless otherwise provided by this Act, the Speaker, on being informed of the vacancy by a member of the Assembly in his place, or by notice in writing under the hands and seals of two members, shall forthwith address his warrant to the Clerk of the Crown in Chancery for the issue of a writ for the election of a member to fill the vacancy, and a writ shall issue accordingly.

Proceedings
when Speaker
is absent from
Ontario, or
there is no
Speaker.

(2) If when such vacancy happens, or at any time thereafter, before the warrant for the writ has issued, there is no Speaker, or the Speaker is absent from the Province, or if the member whose seat is vacated is himself the Speaker, then two members may address their warrant under their hands and seals to the Clerk of the Crown in Chancery for the issue of a writ for the election of a member to fill the vacancy, and the writ shall issue accordingly. R.S.O. 1897, c. 12, s. 36.

Warrant for
filling a
vacancy before
Legislative
Assembly
meets after a
general elec-
tion.

33.—(1) A warrant may issue under the hands and seals of two members elect to the Clerk of the Crown in Chancery for the issue of a writ for the election of a member to fill a vacancy arising subsequently to a general election and before the first meeting of the Assembly thereafter, by
reason

reason of any of the causes mentioned in the next preceding section, and the writ may issue at any time after such vacancy.

(2) The election to be held under the writ shall not affect the right of any person entitled to contest the previous election; and the Election Court shall determine whether the member who has died or whose seat has become vacant as aforesaid, or any other person, was duly returned or elected, which determination, if adverse to the return of such member and in favour of any other candidate, shall avoid the election held under this section, and the candidate declared duly elected at the previous election shall be entitled to take his seat as if no subsequent election had been held. R.S.O. 1897, c. 12, s. 37.

Election being contested not affected.

34. Subject to the provisions of section 31, if the seat of a member of the Assembly has been vacant for three months and no writ has been issued, the Clerk of the Crown in Chancery shall issue the writ forthwith. 4 Edw. VII. c. 10, s. 5 (1).

Writ for new election to be issued by Clerk of the Crown in Chancery in certain cases.

THE SPEAKER.

35. The Assembly at its first meeting after a general election shall proceed to elect one of its members to be Speaker. R.S.O. 1897, c. 12, s. 38.

Election of Speaker.

36. In case of a vacancy happening in the office of Speaker, the Assembly shall proceed to elect another of its members to be Speaker. R.S.O. 1897, c. 12, s. 39.

Filling vacancy in office of Speaker.

37. Such salary shall be payable to the Speaker as may be appropriated for that purpose. R.S.O. 1897, c. 12, s. 40.

Speaker's salary.

38. The Speaker shall preside at all meetings of the Assembly. R.S.O. 1897, c. 12, s. 41.

Speaker to preside.

39. Whenever the Speaker finds it necessary to leave the chair during any part of the sittings on any day, he may call upon any member to take the chair and to act as Speaker during the remainder of the day unless the Speaker himself resumes the chair before the close of the sittings for that day. R.S.O. 1897, c. 12, s. 42.

In case of illness, etc. of the Speaker, he may call on any member to take the chair *pro tem*.

40. Whenever the Speaker is not present at the meeting of the Assembly on any day, the Assembly may elect a member to take the chair and act as Speaker for that day. R.S.O. 1897, c. 12, s. 43.

When Assembly may elect a Speaker for the day.

41. If the Speaker is absent from the chair for a period of forty-eight consecutive hours, the Assembly may elect

Election of Speaker *pro tem*.

another

another of its members to act as Speaker, and the member so elected shall during the continuance of the absence of the Speaker have and execute all the powers, privileges, and duties of Speaker. R.S.O. 1897, c. 12, s. 44.

Acts and orders of the Assembly while acting Speaker presides valid.

42. Every Act passed, and every order made and thing done by the Assembly while any member is acting as Speaker, shall be as valid and effectual as if done while the Speaker himself was in the chair. R.S.O. 1897, c. 12, s. 45.

POWERS AND PRIVILEGES OF THE ASSEMBLY.

Power to compel attendance of witnesses, etc.

43. The Assembly may at all times command and compel the attendance before the Assembly, or a Committee thereof, of such persons, and the production of such papers and things as the Assembly or Committee may deem necessary for any of its proceedings or deliberations. R.S.O. 1897, c. 12, s. 46.

Speaker's warrant for attendance, etc.

44. Whenever the Assembly requires the attendance of any person before the Assembly or a Committee thereof, the Speaker may issue his warrant directed to the person named in the Order of the Assembly, requiring the attendance of such person before the Assembly or Committee and the production of such papers and things as may be ordered. R.S.O. 1897, c. 12, s. 47.

Protection of persons acting under authority. Warrants may command aid.

45. No person shall be liable, in damages or otherwise, for any act done under the authority of the Assembly, and within its legal power, or under or by virtue of a warrant issued under such authority; every such warrant may command the aid and assistance of all sheriffs, bailiffs, constables, and others; and every refusal or failure to give such aid or assistance when required shall be a contravention of this Act. R.S.O. 1897, c. 12, s. 48.

Privilege of speech, etc.

46. A member of the Assembly shall not be liable to any civil action or prosecution, arrest, imprisonment, or damages, by reason of any matter or thing brought by him by petition, bill, resolution, motion or otherwise, or said by him before the Assembly or a Committee thereof. R.S.O. 1897, c. 12, s. 49.

Freedom from arrest.

47. Except for a contravention of this Act, a member of the Assembly shall not be liable to arrest, detention or molestation for any cause or matter whatever of a civil nature, during a Session of the Legislature, and during the twenty days preceding and the twenty days following the Session. R.S.O. 1897, c. 12, s. 50.

48. During the periods mentioned in the next preceding section members, officers and employees of the Assembly, and witnesses summoned to attend before the Assembly or a Committee thereof, shall be exempt from serving or attending as jurors in any Court of Justice in Ontario. R.S.O. 1897, c. 12, s. 51.

Exemption of members and officers from serving as jurors.

49. No member of the Assembly shall knowingly accept or receive, either directly or indirectly, any fee, compensation or reward for or in respect of the drafting, advising upon, revising, promoting or opposing any bill, resolution, matter or thing submitted or intended to be submitted to the Assembly or a Committee thereof. R.S.O. 1897, c. 12, s. 52.

Members not to receive fees for drafting bills, etc.

50. No barrister or solicitor who, in the practice of his profession, is a partner of a member of the Assembly, shall knowingly accept or receive, directly or indirectly, any fee, compensation or reward for or in respect of any matter or thing in the next preceding section mentioned. R.S.O. 1897, c. 12, s. 53.

Barristers, etc., being partners of members not to receive fees for drafting bills, etc.

51. Any person violating any of the provisions of the next preceding two sections shall incur a penalty equal to the amount or value of the fee, compensation or reward accepted or received by him and the sum of \$500. R.S.O. 1897, c. 12, s. 54.

Penalty for violation of ss. 49 and 50.

52. Any violation of section 49 shall be a corrupt practice, and an election petition setting up the same may be filed within six months after the offence in the same manner, and the proceedings thereupon shall be the same as in the case of other election petitions. R.S.O. 1897, c. 12, s. 55.

Breach of s. 49 to be deemed a corrupt practice.

53. If judgment is recovered against a member of the Assembly for any penalty under section 51 of this Act, or if by a resolution of the Assembly it is declared that a member thereof has been guilty of a violation of section 49, or if upon an election petition it is found that a member has been guilty of a violation of section 49, his election shall become void, and his seat shall be vacated, and a writ shall issue for a new election as if he were naturally dead, and he shall be incapable of being elected to or of sitting in the Assembly during the remainder of the term for which he was elected. R.S.O. 1897, c. 12, s. 56.

Seat of member guilty of a violation of s. 49 to be vacated.

54.—(1) The Assembly shall have all the rights and privileges of a Court of Record for the purposes of summarily inquiring into and punishing, as breaches of privilege

Legislative Assembly to have jurisdiction to try certain matters.

lege or as contempts and without affecting the liability of the offenders to prosecution and punishment criminally or otherwise according to law, independently of this Act, the acts, matters and things following:—

- | | |
|---|--|
| Assaults, insults, libels, | (a) Assault, insult or libel upon a member of the Assembly during the Session of the Legislature and twenty days before and after the same; |
| Threats, | (b) Obstructing, threatening or attempting to force or intimidate a member of the Assembly; |
| Bribery and offering of fee, | (c) Offering to, or the acceptance by, a member of the Assembly of a bribe to influence him in his proceedings as such, or offering to or the acceptance by a member of any fee, compensation or reward for or in respect of the drafting, advising upon, revising, promoting or opposing any bill, resolution, matter or thing submitted to or intended to be submitted to the Assembly or a Committee thereof; |
| Interference with officers, | (d) Assault upon or interference with an officer of the Assembly, while in the execution of his duty; |
| Tampering with witness, | (e) Tampering with a witness in regard to evidence to be given by him before the Assembly, or a Committee thereof; |
| False evidence, | (f) Giving false evidence or prevaricating or misbehaving in giving evidence or refusing to give evidence or to produce papers before the Assembly or a Committee thereof; |
| Disobedience to subpoena, | (g) Disobedience to a warrant requiring the attendance of a witness before the Assembly or a Committee thereof, or refusal or neglect to obey a warrant mentioned in section 45. |
| Presenting false document, | (h) Presenting to the Assembly or to a Committee thereof a forged or false document, with intent to deceive the Assembly or Committee; |
| Falsifying records, etc. | (i) Forging, falsifying or unlawfully altering a record of the Assembly, or of a Committee thereof, or any document or petition presented or filed or intended to be presented or filed before the Assembly or Committee, or the setting or subscribing, by any person, of the name of another person to any such document or petition with intent to deceive; |
| Bringing action or arresting for conduct as member, | (j) Taking any civil proceeding against, or causing or effecting the arrest or imprisonment of a member of the Assembly in any civil proceeding |

ing, for or by reason of any matter or thing brought by him by petition, bill, resolution, motion or otherwise, or said by him before the Assembly or a Committee thereof;

- (k) Causing or effecting the arrest, detention, or Arresting or debt, etc. molestation of a member of the Assembly for any cause or matter of a civil nature, during a Session of the Legislature, and, during the twenty days following and the twenty days preceding the Session.

(2) For the purposes of this Act, the Assembly shall possess all powers and jurisdiction necessary or expedient for inquiring into, adjudging and pronouncing upon the commission or doing the acts, matters or things mentioned in subsection 1 and for awarding and carrying into execution the punishment thereof. R.S.O. 1897, c. 12, s. 57. Jurisdiction given as to inquiring and punishing.

55. Every person who, upon such inquiry, is found to have committed or done any of the acts, matters, or things in section 54 mentioned, in addition to any other penalty or punishment to which he may by law be subject, shall be liable to imprisonment for such time, during the Session of the Legislature then being held, as may be determined by the Assembly. R.S.O. 1897, c. 12, s. 58. Punishment for contravention of, s. 54.

56.—(1) Wherever the Assembly declares that any person has been guilty of any breach of privilege or of a contempt in respect of any of the acts, matters and things in section 54 mentioned and directs that such person shall be kept and detained in the custody of the Sergeant at Arms attending the Assembly, the Speaker shall issue his warrant to the Sergeant at Arms to take such person into custody and to keep and detain him in custody in accordance with the order of the Assembly. Proceeding on contravention of s. 54 and arrest thereunder.

(2) Where the Assembly directs that the imprisonment shall be in the common gaol in the County of York, the Speaker shall issue his warrant to the Sergeant at Arms and to the governor or keeper of such common gaol commanding the Sergeant at Arms to take such person into custody and to deliver him to the governor or keeper of such common gaol, and commanding the governor or keeper of the common gaol to receive and keep and detain him in custody in accordance with the order of the Assembly. R.S.O. 1897, c. 12, s. 59.

57. The determination of the Assembly upon any proceeding under this Act shall be final and conclusive. Decision of Assembly to be final. R.S.O. 1897, c. 12, s. 60.

58.—(1) Any person who is a defendant in any civil proceeding commenced in any manner for or in respect of the publication of any report, paper, vote or proceeding by Protection of persons publishing papers by order of Assembly. such

such person or by his servant, by or under the authority of the Assembly may bring before the Court in which such proceeding is pending (first giving 24 hours' notice of his intention so to do to the plaintiff or his solicitor), a certificate under the hand of the Speaker, or of the Clerk of the Assembly, stating that the report, paper, vote or proceeding in respect whereof such proceeding has been commenced was published by such person or by his servant by order or under the authority of the Assembly, together with an affidavit verifying such certificate.

(2) The Court shall thereupon immediately stay such proceeding and the same and every writ or process issued therein shall be taken to be finally put an end to, determined and superseded. R.S.O. 1897, c. 12, s. 61, part.

Production of
papers to court
and stay of
of proceedings.

59.—(1) If a civil proceeding is commenced for or in respect of the publication of any copy of such report, paper, vote or proceeding, the defendant at any stage of the proceeding may lay before the Court such report, paper, vote or proceeding and such copy with an affidavit verifying such report, paper, vote or proceeding and the correctness of such copy.

(2) The Court shall thereupon immediately stay such proceeding, and the same and every writ or process issued therein shall be taken to be finally put an end to, determined and superseded. R.S.O. 1897, c. 12, s. 61, part.

Bona fide
publication
good defence.

60. It shall be a good defence to any civil proceeding against a person for printing any extract from or abstract of any such report, paper, vote or proceeding, that the extract or abstract was published *bona fide* and without malice. R.S.O. 1897, c. 12, s. 62.

Act not to
abridge privi-
leges, etc.,
inherent in
Legislative
Assembly or
its members.

61. Except so far as is provided by section 49, nothing herein shall be construed to deprive the Assembly, or a Committee or member thereof, of any right, immunity, privilege or power which the Assembly, Committee or member might otherwise have been entitled to exercise or enjoy. R.S.O. 1897, c. 12, s. 64.

QUORUM AND MANNER OF VOTING.

Quorum of
Legislative
Assembly

62. At least twenty members of the Assembly shall be necessary to constitute a quorum for the transaction of business, and for that purpose the Speaker shall be counted. R.S.O. 1897, c. 12, s. 65.

Voting in
Legislative
Assembly.

63. Questions arising in the Assembly shall be decided by a majority of voices other than that of the Speaker, and when the voices are equal the Speaker shall have a vote. R.S.O. 1897, c. 12, s. 66.

MONEY VOTES.

64. The Assembly shall not originate or pass any vote, resolution, address or bill for the appropriation of any part of the Consolidated Revenue Fund, or of any tax or impost, to any purpose which has not been first recommended by a message of the Lieutenant-Governor to the Assembly during the Session in which the vote, resolution, address or bill is proposed. R.S.O. 1897, c. 12, s. 67.

Appropriation of any part of Consolidated Revenue Fund to be first recommended by Lieutenant-Governor.

ESTATE BILLS.

65. The Judges of the Supreme Court of Judicature for Ontario shall be *ex-officio* commissioners to report under the Rules and Orders of the Assembly, in respect of estate bills. 4 Edw. VII. c. 10, s. 6.

Commissioners to report on estate bills.

OATHS TO WITNESSES.

66. Any standing or select committee of the Assembly may require that facts, matters and things relating to the subject of inquiry be verified or otherwise ascertained by the oral examination of witnesses, and may examine witnesses upon oath, and for that purpose the Chairman or any member of the Committee may administer the oath, Form 2. R.S.O. 1897, c. 12, s. 69.

Committees of Legislative Assembly may examine on oath.

67. Where witnesses are not required to be orally examined, an affirmation, declaration, or affidavit, which is required to be made or taken by or according to any rule or order of the Assembly, or by the direction of any Committee, and in respect of any matter or thing pending or proceeding before the Committee, may be made and taken before the Clerk of the Assembly, the Clerk of the Committee, or a Commissioner for taking affidavits in the High Court or a Justice of the Peace. R.S.O. 1897, c. 12, s. 70.

Affidavits to be used by committee before whom to be made.

INDEMNITY TO MEMBERS.

68. In every Session of the Assembly there shall be allowed to each member attending the Session, \$10 for each day's attendance, if the Session does not extend beyond thirty days, and if the Session extends beyond thirty days then there shall be payable to each member attending such Session, a sessional allowance of such sum as may be appropriated for the purpose. R.S.O. 1897, c. 12, s. 72.

Allowance to members for attendance at any Session.

69.—(1) A deduction at the rate of \$4 per day shall be made from his sessional allowance for every day on which a member does not attend sittings of the Assembly, or of some committee thereof, in case the Assembly sits on such days; but each day during the session, after the first on which the member attends, on which there has been no sittings of the Assembly, in consequence of its having adjourned

Deductions for non-attendance.

What shall be reckoned as days of attendance.

journed over the day, or on which the member was in the place where the Session was held, or within ten miles thereof, but was prevented by sickness from attending the sittings, shall be reckoned as a day of attendance at the Session.

(2) No deduction shall be made for or on account of the necessary absence of a member, so long as such absence does not exceed six days during the Session. R.S.O. 1897, c. 12, s. 72.

Allowance for less than thirty-one days' attendance.

70. A member shall not be entitled to the sessional allowance for less than thirty-one days' attendance, reckoned as aforesaid, but his allowance for any less number of days shall be \$10 for each day's attendance. R.S.O. 1897, c. 12, s. 73.

How the compensation shall be payable.

71. The compensation may be paid from time to time, as the member becomes entitled to it, to the extent of \$6 for each day's attendance, and the remainder shall be retained by the Clerk until the close of the Session, when the final payment shall be made. R.S.O. 1897, c. 12, s. 74.

Where a person is a member for only part of the Session.

72. If a person is from any cause a member of the Assembly for a part only of a Session, then, in case he is a member for upwards of thirty days during the Session, he shall be entitled to the sessional allowance, subject to the deduction for non-attendance as a member, and also to a deduction of \$4 for each day of the Session before he was elected, or after he ceased to be a member; but if he is a member for thirty days or less, he shall be entitled only to \$10 for each day's attendance at the Session, whatever be the length thereof. R.S.O. 1897, c. 12, s. 75.

Allowance for mileage.

73. There shall also be allowed to every member ten cents for every mile of the distance between his place of residence and Toronto, reckoning the distance going and coming according to the shortest mail route, which distance shall be determined and certified by the Speaker. R.S.O. 1897, c. 12, s. 76.

Final payment at the close of Session.

74. The sum due to every member at the close of a session shall be paid to him, on his making and signing before the Clerk or Accountant, or a Justice of the Peace, a declaration, to be kept by the Clerk, stating the number of days' attendance and the mileage according to the shortest mail route, as determined and certified by the Speaker, and the amount of the allowance, after deducting the number of days (if any) which are to be deducted under any preceding section; and the declaration may be according to Form 3. R.S.O. 1897, c. 12, s. 77.

Declaration to be made by members.

75. Chapter 12, of the Revised Statutes of Ontario, <sup>Rev. Stat.,
c. 12, repealed.</sup> 1897, intituled *An Act respecting the Legislative Assembly* and all amendments thereto are hereby repealed.

76. This Act shall come into force and have effect on, <sup>Commence-
of Act.</sup> from and after the dissolution or end of the present Legislative Assembly.

FORM 1.

(Referred to in Section 17.)

OATH OF MEMBER ELECT.

I, _____ of the _____
in the County of _____, elected to represent the Electoral
District of _____ (as the case may be,) in the Legislative
Assembly of the Province of Ontario, make oath and say:—That,
except in respect of my personal expenses, I have not made, before,
during or since my election, any payment, advance, loan, or
deposit for the purposes of the election last held for the said Elec-
toral District otherwise than through my official agent appointed
under *The Ontario Election Act*; and that I will not hereafter
make any payment, loan or deposit in respect of the said election,
except through my official agent appointed under the said Act.
I further say that I have not been guilty of any corrupt practice
in respect of my election.

Sworn before me, this _____
day of _____ 19____
Clerk of the Legislative Assembly. }

R.S.O. 1897, c. 12, Sched. A.

FORM 2.

(Referred to in Section 66.)

OATH TO BE ADMINISTERED.

The evidence you shall give to this Committee touching the sub-
ject of the present inquiry shall be the truth, the whole truth, and
nothing but the truth: So help you God.

R.S.O. 1897, c. 12, Sched. B.

FORM 3.

(Referred to in Section 74.)

DECLARATION TO OBTAIN SESSIONAL ALLOWANCE.

I, *A. B.*, a member of the Legislative Assembly, solemnly declare that I reside at _____, in _____; which is distant by the shortest mail route _____ miles, as determined by the Speaker, from Toronto, where the Session which began on the _____ day of _____ 19____, was held.

That the first day during the said Session on which I was present was the _____ day of _____, 19____.

That on the said day, and on each day of the said Session, after the said day, on which there was a sittings of the Assembly, I attended such sittings, or a sittings of some Committee thereof, (a) except only on _____ days, (b) on _____ of which I was prevented by sickness from attending, though I was then present at the said City of Toronto or within ten miles thereof, (c).

Declared before me at _____ the _____ day of _____ 19____
(Signature) *A. B.*

L. K. C.
Clerk (or Accountant) of the Legislative Assembly,
or Justice of the Peace for the _____
of _____ (as the case may be).

If the member attended a sittings of the Assembly or of some Committee, on every sitting day after the first on which he so attended, omit the words from (a) to (c); and if his non-attendance was not on any day occasioned by sickness, omit the words from (b) to (c).

If the person making the declaration became or ceased to be a member after the commencement of the Session, vary the form so as to state correctly the facts upon which the sum due to the member is to be calculated.

R.S.O. 1897, c. 12, Sched. C.

CHAPTER 6.

An Act respecting the Executive Council.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Executive Council shall be composed of such persons as the Lieutenant-Governor from time to time thinks fit. R.S.O. 1897, c. 14, s. 1. Executive Council of Ontario.

2. The Lieutenant-Governor may appoint under the Great Seal from among the members of the Executive Council the following Ministers of the Crown to hold office during pleasure:—a President of the Council, an Attorney-General, a Secretary and Registrar, a Treasurer, a Minister of Lands, Forests and Mines, a Minister of Agriculture, a Minister of Public Works, and a Minister of Education, and such other Ministers as he may see fit; and may by Order in Council prescribe their duties and the duties of the several departments over which they preside, and of the officers and clerks thereof. R.S.O. 1897, c. 14, s. 2; 5 Edw. VII. c. 5, s. 1; 6 Edw. VII. c. 10, s. 1. Appointment of Executive Officers.

3. Any of the powers and duties which have been heretofore, or may be hereafter, assigned by law to the Ministers now constituting, or who may hereafter constitute, the Executive Council, may, from time to time, by Order in Council, be assigned and transferred, either for a limited period or otherwise, to any other Minister by name or otherwise. R.S.O. 1897, c. 14, s. 3. Duties of members of Executive Council may be assigned to other members.

4. If a member of the Executive Council of Ontario, while he holds such office, sits or votes as a member of the Senate or of the House of Commons of Canada, he shall thereby forfeit his office, and his appointment as Executive Councillor shall from thenceforth be null and void, and he shall be incapable of being re-appointed to or holding the office of Executive Councillor of Ontario so long as he is a member of the Senate or of the House of Commons of Canada. R.S.O. 1897, c. 14, s. 4. Executive Councillor sitting or voting in House of Commons to forfeit his office, etc.

5. Chapter 14 of the Revised Statutes of Ontario, 1897, and all amendments thereto are repealed. Rev. Stat. c. 14, repealed.

CHAPTER

CHAPTER 7.

An Act to amend The Act respecting the Office of Sheriff.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat. c. 17,
s. 43, subs. 3
amended.

1. Subsection 3 of section 43, of *The Act respecting the Office of Sheriff*, is amended by striking out the words "County of York" in the second line and substituting therefor the words "Counties of Carleton and York."

CHAPTER 8.

An Act respecting Inquiries concerning Public Matters.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Public Inquiries Act*. Short Title.

2. Whenever the Lieutenant-Governor in Council deems it expedient to cause inquiry to be made concerning any matter connected with or affecting the good government of Ontario, or the conduct of any part of the public business thereof, or of the administration of justice therein, and such inquiry is not regulated by any special law, he may, by commission appoint a person or persons to conduct such inquiry, and may confer the power of summoning any person and requiring him to give evidence on oath, and to produce such documents and things as the Commissioner or Commissioners deem requisite for the full investigation of the matters into which they are appointed to examine. R.S.O. 1897, c. 19, s. 1. Commissioners may be empowered to receive evidence on oath.

3. The Commissioner or Commissioners shall have the same power to enforce the attendance of witnesses, and to compel them to give evidence and produce documents and things, as is vested in any Court in civil cases. R.S.O. 1897, c. 19, s. 2; 4 Edw. VII. c. 10, s. 7. Power to compel attendance of witnesses.

4.—(1) This Act shall include inquiry into matters connected with elections to the Assembly, and with the proceedings in any such election; but a commission shall not issue where a petition has been presented complaining of the return within the time prescribed, or until the proceedings thereon have terminated. Act to apply to matters connected with elections, and to attempts to corrupt members of Legislative Assembly.

(2) This Act shall apply to all attempts, or alleged attempts, to corrupt a candidate at any such election, or a member of the Assembly, after his election, and notwithstanding

standing that the person charged with such attempts may be liable to criminal prosecution in respect thereof, or that criminal proceedings against him may have been commenced or concluded.

(3) The Assembly, upon the evidence taken under the commission being submitted, may take, under *The Legislative Assembly Act*, or under any other authority belonging to the Assembly, such action as may be deemed proper, as fully as if such evidence had been given at the Bar of the Assembly.

(4) No such action shall be taken against any person so charged founded upon evidence given by any witness unless it appears that he had an opportunity of appearing before the Commissioner or Commissioners and cross-examining the witness either at the time that he was examined in chief or subsequently, and that he had also an opportunity of calling witnesses on his own behalf. R.S.O. 1897, c. 19, s. 3.

(5) A Commission for an inquiry under this section shall not be issued during a Session of the Legislature without the consent of the Assembly.

Rev. Stat.
c. 19 repealed.

5. Chapter 19 of the Revised Statutes of Ontario, 1897, and all amendments thereto are repealed.

CHAPTER 9.

An Act to provide for Auditing the Public Accounts of the Province.

Assented to 14th April, 1908.

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|---|--|
| SHORT TITLE, s. 1. | PUBLIC ACCOUNTS AND FINANCIAL YEAR, s. 19. |
| TREASURY BOARD, s. 2. | TEMPORARY LOANS, s. 20. |
| AUDITOR— | ALTERING DATE OF RETURNS OF PUBLIC MONEY, s. 21. |
| Appointment, s. 3. | APPROPRIATION LEDGER, s. 22. |
| Tenure of Office, s. 4. | DETERMINATION OF DIFFERENCES AS TO CHARGES AGAINST APPROPRIATION, s. 23. |
| Assistant Auditor, s. 5. | PAYMENTS IN EXCESS OF APPROPRIATION, s. 24. |
| Appointment of Officers, s. 6. | PAYMENTS AUTHORIZED BY LEGISLATIVE ASSEMBLY, s. 25. |
| Regulations for Government of office, s. 7. | REPORT ON OVER EXPENDITURE, s. 26. |
| Cancelling Government Securities, s. 8. | REPORT ON IRREGULAR EXPENDITURE, s. 27. |
| Preliminary Audit by Deputies, s. 9. | AUDITOR MAY REPORT TO ASSEMBLY, s. 28. |
| Audit of Public Accounts, s. 10. | ACCOUNTS TO BE EXAMINED BY AUDITOR, s. 29. |
| Examining on Oath, s. 11. | ACCOUNTS TO BE SUBMITTED TO AUDITOR, s. 30. |
| Regulating expenditure by appropriation, s. 12. | APPROVAL OF ACCOUNTS, s. 31. |
| Issue of cheques without certificate of Auditor, s. 13. | RECOVERY OF PUBLIC MONEYS, s. 32. |
| Countersigning cheques, s. 14. | REPEAL OF FORMER ACTS, s. 33. |
| Keeping cheque record books s. 15. | |
| ACCOUNTS TO BE CERTIFIED BY OFFICER IN CHARGE, s. 16. | |
| PAYMENTS FOR CRIMINAL INVESTIGATION, s. 17. | |
| ALLOWANCES FOR TRAVELLING AND LIVING EXPENSES, s. 18. | |

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Audit Act*.

Short title.

2.

Treasury
Board.

2. The Lieutenant-Governor in Council may appoint three members of the Executive Council to be a board to be called the Treasury Board. R.S.O. 1897, c. 23, s. 1.

Appointment
of Provincial
Auditor.

3. The Lieutenant-Governor in Council may appoint an officer to be called the Auditor, who shall be paid a salary of \$3,000 per annum, which shall be charged on and paid out of the Consolidated Revenue Fund. R.S.O. 1897, c. 23, s. 2; 6 Edw. VII. c. 19, s. 10 (1).

Tenure of
office.

4. The Auditor shall hold office during good behaviour, but shall be removable for cause by the Lieutenant-Governor on address of the Assembly, R.S.O., 1897, c. 23, s. 3.

Assistant
Auditor.

5. In case of the illness or absence of the Auditor or of a vacancy in the office, the Lieutenant-Governor in Council may appoint the Chief Clerk or some other official in the Audit Office to act as Auditor *pro tempore*, and the officer so appointed shall during such absence or vacancy possess the powers and perform the duties of the Auditor. (*New.*)

Appointment
of officers.

6. The Lieutenant-Governor in Council may appoint such officers, clerks or persons as he may think necessary to be employed in the office of the Auditor. R.S.O. 1897, c. 23, s. 4.

Regulations
for conducting
business of
office, how
made.

7.—(1) The auditor may

(a) Suspend any officer, clerk or other person employed in his office;

(b) Make rules and orders for the internal government of his office, and for the guidance of persons accounting for public moneys, in making up and rendering their accounts for examination.

(2) The rules and orders shall not go into effect until approved by the Treasury Board, and shall be laid before the Assembly within the first ten days of the Session next after the approval thereof. R.S.O. 1897, c. 23, s. 5.

Cancelling
debentures.

8. The Auditor and the Assistant Treasurer shall examine and cancel debentures, or other Provincial securities, representing any debt of Ontario which have been redeemed. R.S.O. 1897, c. 23, s. 6.

Audit by
deputy heads,
etc.

9. The deputy heads of the several departments, or the officers, clerks or other persons charged with the expenditure of public moneys, shall respectively audit the details of the accounts of the several services in the first instance, and

and be responsible for the correctness of the audit. R.S.O. 1897, c. 23, s. 16.

10.—(1) The Auditor shall examine, check and audit all accounts of receipts and expenditure of public moneys and moneys received or expended on account of or in trust for any other person. R.S.O. 1897, c. 23, s. 7. Auditor to audit public accounts

(2) This section shall apply to the receipts and expenditures of any department of the Government and of Commissioners appointed to manage any department, service, property or business of Ontario when the Treasurer directs that such audit shall be made. (*New.*)

(3) In conducting the examination of the vouchers relating to the appropriations for the several services sanctioned by the Appropriation Act of the year, or by any other Act of the Legislature, the Auditor shall test the accuracy of the castings and computations of the several items of the vouchers; but if he is satisfied that the accounts bear evidence that the vouchers have been completely checked, examined, and certified as correct in every respect, and that they have been allowed, and passed by the proper officers, he may admit them as satisfactory: Provided always, that if the Treasurer desires any voucher to be examined by the Auditor in greater detail, the Auditor shall cause such voucher to be subjected to such examination in detail as the Treasurer may prescribe. R.S.O. 1897, c. 23, s. 17. Examination of Vouchers.

11. The Auditor may examine any person on oath as to any matter pertinent to any account submitted to him for audit. R.S.O. 1897, c. 23, s. 27. Auditor may examine on oath.

12. The Auditor shall, subject to the exceptions hereinafter mentioned, see that no cheque issues for the payment of any public money, for which there is no direct legislative appropriation, or in excess of any portion of such appropriation the expenditure of which has been authorized by the Lieutenant-Governor in Council, and he shall report to the Lieutenant-Governor in Council, through the Treasurer, any case in which money has been expended out of the proceeds of any accountable warrant for any purpose for which there is no sufficient authority, or beyond the amount for which there is such authority. R.S.O. 1897, c. 23, s. 8. Auditor to see that money is not expended without or in excess of appropriation.

13.—(1) A cheque for public money shall not issue except upon the certificate of the Auditor that there is legislative authority for the expenditure, save only in the following cases:— When only cheques may issue without certificate of Auditor.

- (a) When, upon an application for a cheque, the Auditor has reported that there is no legislative authority, or that the expenditure is not authorized

ized by law, then, upon the written opinion of the Attorney-General, or of the Deputy Attorney-General, that there is legislative authority, citing it, or that upon the facts as stated by the Auditor the payment is authorized by law, the Treasurer may direct the issue of the cheque, and the Auditor shall countersign it;

(b) If, when the Legislature is not in session an accident happens to any public work or building which requires an immediate outlay for the repair thereof, or any other occasion arises when an expenditure not foreseen or provided for by the Legislature is urgently and immediately required for the public good, then, upon the report of the Treasurer that there is no legislative provision therefor, and of the Minister having charge of the service that the necessity is urgent and for the public good, the Lieutenant-Governor in Council may order a special warrant to be prepared, to be signed by the Lieutenant-Governor for the issue of the amount estimated to be required, which shall be placed by the Treasurer to a special account, against which cheques may issue, as may be required;

(c) When the Auditor has for any reason refused to certify that a cheque may issue, the Treasury Board may determine as to the sufficiency of the Auditor's objection, and may in their discretion order the issue of the cheque. R.S.O. 1897, c. 23, s. 9.

Statement by Auditor of cheques, etc., issued without his certificate.

(2) The Auditor in all such cases shall prepare a statement of all such legal opinions, reports to Council, special warrants, and cheques for the issue of which he has refused to certify, and of all expenditure incurred in consequence thereof, which he shall deliver to the Treasurer, to be presented to the Assembly with the Public Accounts. R.S.O. 1897, c. 23, s. 10.

Countersigning cheques.

14. The Auditor shall countersign all cheques issued by the Treasurer, but before countersigning shall satisfy himself that the issue of the cheque is authorized. R.S.O. 1897, c. 23, s. 9, par. 5.

Cheque record book to be kept.

15. The Auditor shall keep a cheque record-book with each bank upon which cheques are drawn, in which shall be entered all bank cheques countersigned by him, with the date of issue, the name of the person to whom payable, and the amount; and he shall initial the entry of each cheque countersigned

countersigned by him, after satisfying himself that the entry is correct. R.S.O. 1897, c. 23, s. 9, par. 6.

16. No payment shall be authorized by the Auditor in respect of work performed, or materials supplied by any person in connection with any part of the public service, unless, in addition to any other voucher or certificate which may be required, the officer under whose special charge such part of the public service is certifies that the work has been performed, or the materials supplied, as the case may be, and that the price charged is according to contract, or, if not covered by a contract, is fair and just. R.S.O. 1897, c. 23, s. 11.

Accounts for work, etc., to be certified by officer in charge.

17.—(1) The certificate or order of the Attorney-General or the Deputy Attorney-General that any sum of money is required to be paid out of the Consolidated Revenue Fund on account of criminal investigation shall be sufficient authority for the issuing of a cheque by the Treasurer of the Province for the amount named in such certificate or order, and the officer or other person to whom the cheque is issued shall account to the Attorney-General for the proper disbursement of the amount received by such officer or other person.

Payments for criminal investigation.

(2) The certificate of the Attorney-General or Deputy Attorney-General that any moneys received by any officer or other person under this Act have been duly accounted for shall be final and conclusive and the account shall not be subject to any further audit or examination. (See 6 Edw. VII. c. 47, s. 20.)

Certificate that moneys accounted for.

18. The Lieutenant-Governor in Council may make regulations for fixing the scale of allowances for the travelling and living expenses to be allowed to any person employed in or in connection with any part of the Public Service. (*New.*)

Allowances for travelling and living expenses.

19.—(1) The Public Accounts shall include the period from the first day of January to the thirty-first day of December in each year, which shall constitute the financial year; all estimates submitted to the Legislature shall be for the services coming in course of payment during the financial year; and any sums appropriated for the services of the year, which may be unexpended on the thirty-first day of December, shall not be expended thereafter, except in payment of accounts and expenses incurred on or prior to that day; and all balances of appropriations which remain unexpended after the twentieth day of January shall lapse and be written off. R.S.O. 1897, c. 23, s. 13.

Financial year.

Preparation of
public
accounts.

(2) The Auditor shall prepare and deliver to the Treasurer the Public Accounts to be laid before the Legislature. R.S.O. 1897, c. 23, s. 12.

Temporary
loans
authorized.

20.—(1) The Lieutenant-Governor in Council may, when the exigencies of the public service require, in the event of The Consolidated Revenue Fund being insufficient to meet the charge placed thereon by law, raise by temporary loans chargeable on the fund, for such periods, not exceeding six months, such sums as are necessary to enable the fund to meet such charges.

(2) The sums so raised shall never exceed the amount of the deficiency in the Consolidated Revenue Fund to meet the charges thereon then due or payable, either as principal or interest, and shall be applied to no other purpose.

(3) An account in detail of all such temporary loans shall be laid before the Assembly within the first fifteen days of the session next ensuing. R.S.C. c. 24, s. 13.

Treasury
board may
alter date of
returns.

21. The Treasury Board may alter the period at or to which any person accountable for public moneys is required to render any account or to make any return, whenever in their opinion the alteration will facilitate the preparation of the public accounts or estimates, anything in any Act to the contrary notwithstanding. R.S.O. c. 23, s. 15.

Appropriation
ledger.

22. The Auditor shall keep an appropriation ledger, in which shall be entered the supply grants comprised in the Appropriation Act for the year, against which shall be charged all authorized expenditure out of the appropriations. The Auditor shall furnish to each Department monthly a statement of the charges entered against the several appropriations belonging to such Department, and shewing the balances at the credit of the appropriations at the close of the month. Whenever an appropriation is exhausted, the Auditor shall at once notify the Department to which the appropriation belongs. The Auditor shall not sanction any further payments to be charged to such exhausted appropriation except as hereinafter provided. R.S.O. 1897, c. 23, s. 18.

Determina-
tion of differ-
ences as to
charges
against ap-
propriations.

23. If a difference arises between the Auditor and any Department respecting the appropriation to which an authorized expenditure should be charged, such difference may be referred by the Department to the Treasury Board, and the Board shall determine in what manner and to what appropriation or account such expenditure shall be charged. R.S.O. 1897, c. 23, s. 19.

Payments in
excess of ap-
propriations.

24.—(1) Where an appropriation is exhausted and the public interest or the urgent requirements of the public service

vice necessitate further payments, the head of the Department to which the appropriation belongs, or his Deputy shall transmit to the Auditor the accounts for which payment is asked, with a special report as to the necessity for payment and the reasons why the appropriation is insufficient.

(2) The Auditor shall submit the accounts and the report to the Treasury Board, with such remarks either approving or disapproving of the payment as he may consider necessary.

(3) If the Board approves of payment of the accounts the Auditor, upon being notified of such approval, shall authorize the issue of cheques therefor. R.S.O. 1897, c. 23, s. 20.

25. Notwithstanding anything in this Act contained, whenever the Assembly has concurred in the report of the Committee of Supply recommending the passing of any estimates of expenditure, the Lieutenant-Governor in Council may authorize the payment of any items of expenditure so concurred in. 6 Edw. VII. c. 19, s. 10 (2).

Payments
authorized by
Legislative
Assembly.

26. The Auditor shall report to the Treasurer, for the information of the Assembly, all expenditures in excess of the appropriations by the Appropriation Act, citing the recommendation and explanations of the Department and the authority of the Treasury Board. R.S.O. 1897, c. 23, s. 21.

Report of
over expendi-
ture.

27. In reporting for the information of the Assembly the result of the examination of the appropriation accounts, the Auditor shall call attention to every case in which it appears to him that a grant has been exceeded, or that money received by a Department from other sources than the grants for the year to which the account relates has not been applied or accounted for according to the directions of the Legislature, or that a sum charged against a grant is not supported by proof of payment, or that a payment so charged did not occur within the period of the account, or was for any other reason not properly chargeable against the grant. R.S.O. 1897, c. 23, s. 22.

Particulars
which are to
be mentioned
in report of
Auditor.

28. If the Treasurer does not, at the time prescribed by this Act, present to the Assembly any report made by the Auditor on the appropriation accounts, or any other accounts, the Auditor shall forthwith present such report. R.S.O. 1897, c. 23, s. 23.

Report by
Auditor
to Legislative
Assembly.

29. Besides the appropriation accounts of the grants of the Legislature, the Auditor shall examine and audit, if required to do so by the Treasurer, and in accordance with

Accounts
which are to
be examined
by Auditor.

any

any regulations that may be prescribed for his guidance by the Treasury Board, the following accounts:—

- (a) The accounts of all receipts of revenues forming the Consolidated Revenue Fund;
- (b) The accounts current with the several banks and financial agents of the Province;
- (c) The accounts relating to the issue or redemption of loans; and
- (d) Any other public accounts which, though not relating directly to the receipts or expenditure of the Province, which the Treasury Board may direct him to examine and audit. R.S.O. 1897, c. 23 s. 24.

Accounts to be submitted to Auditor.

30. The accounts which, by the last preceding section, the Treasurer is empowered to subject to the examination of the Auditor shall, be rendered to him by the Departments or officers directed so to do by the Treasurer; and the term "Accountant," when used in this and the following sections with reference to such accounts, shall be taken to mean the Department or officer that may be required to render the same; and every public officer into whose hands public moneys, either in the nature of revenue or fees of office, shall be paid by persons bound by law or regulation to do so, or by subordinate or other officers whose duty it may be to pay such moneys, wholly, or in part, into the account of the Treasurer, or to apply the same to any public service, shall, at such times and in such form as the Treasury Board shall determine, render an account of his receipts and payments to the Auditor; and it shall be the duty of the Clerk of the Executive Council to inform the Auditor of the appointment of every such officer. R.S.O. 1897, c. 23. s. 25.

Approval of accounts.

31.—(1) Where the Auditor is required by the Treasurer to examine and audit the accounts of the receipt, expenditure, sale, transfer, or delivery of any securities, stamps, Canadian or other Government stock or annuities, provisions, stores, or other property belonging to the Province, he shall, on the examination of such accounts being completed, transmit a statement thereof, or a report thereon, to the Treasurer, who shall, if he thinks fit, signify his approval of such accounts.

(2) The Auditor, on receipt of such approval, shall thereupon transmit to the accountant a certificate in a form to be determined by the Auditor, which shall be to the accountant a valid and effectual discharge to the accountant from so much as he may thereby appear to be discharged from. R.S.O. 1897, c. 23, s. 26.

32. Every accountant, on the termination of his charge, or in the case of the death of an accountant his representatives, shall forthwith pay over any balance of public money then due to the Crown in respect of such charge to the public officer authorized to receive the same; and in all cases in which it shall appear to the Auditor that a balance of public money has been improperly or unnecessarily retained by an accountant, he shall report the circumstances to the Treasurer, who shall take such measures as to him may seem expedient for the recovery of such balance, with interest, upon the whole or such part thereof, for such period of time and at such rate as to the Treasurer may appear just and reasonable. R.S.O. 1897, c. 23, s. 28.

Recovery of
balances of
public money
in hands of
accountants.

33. Chapter 23 of the Revised Statutes of Ontario, 1897, intituled *An Act to provide for Auditing the Public Accounts of the Province*, and all amendments thereto, are repealed.

Rev. Stat. c. 23
repealed.

CHAPTER 10.

An Act respecting the Consolidated Revenue Fund.

| | |
|---------------------------|------------------------------|
| CONSOLIDATED REVENUE, HOW | INVESTMENT OF SURPLUS, s. 4. |
| COMPOSED, s. 2. | SECURITIES IN NAME OF TREA- |
| PERMANENT CHARGES, s. 3. | SURER, ss. 5, 6. |

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short Title.

1. This Act may be cited as *The Consolidated Revenue Fund Act*.

Consolidated Revenue Fund of Ontario, of what composed.

2. All special Funds and the income and revenue therefrom, and all public moneys and revenues over which the Legislature has the power of appropriation, shall form one Fund, to be called "The Consolidated Revenue Fund," to be appropriated for the public service of Ontario, in the manner and subject to the charges hereinafter mentioned. R.S.O. 1897, c. 21, s. 1.

Permanent charges.

3. The Consolidated Revenue Fund shall be permanently charged with all the costs, charges and expenses incident to the collection, management and receipt thereof, subject to review and audit in the manner directed by any Act of the Legislature. R.S.O. 1897, c. 21, s. 2.

Investment of surplus.

4. The Lieutenant-Governor in Council may, in his discretion, invest any surplus of the Consolidated Revenue Fund not required for the public service, in the debentures or other public securities of the Dominion of Canada, or of any of the Provinces thereof, or of the United Kingdom or any of its colonies, and may sell and dispose of the same. R.S.O. 1897, c. 21, s. 3.

5.—(1) Where any security, obligation, debenture or covenant, or any interest in real or personal estate, effects, or property is given, or transferred to, made with, or vested in the Treasurer of Ontario, by virtue of his office, the security, obligation, debenture or covenant, and any right of action in respect thereto, and all the estate, right or interest of the Treasurer in respect thereof, upon the death, resignation or removal from office of the Treasurer, shall, subject to the same trusts as the same were respectively subject to, vest in the succeeding Treasurer. and may be proceeded on by action or in any other manner, or may be assigned, transferred or discharged, in the name of the succeeding Treasurer. R.S.O. 1897, c. 21, s. 5.

Securities,
etc., vested in
Treasurer of
Ontario by
virtue of his
office, to vest
in his suc-
cessors.

(2) A security, obligation, debenture, covenant or an interest in real or personal estate, effects and property may be proceeded on in the name of, or assigned, transferred or discharged by, any member of the Executive Council of Ontario, acting under the authority of *The Executive Council Act*. R.S.O. 1897, c. 21, s. 6.

Assignment,
etc., of securi-
ties.

§ Edw. VII.,
c. 6.

(3) This section shall apply to every security, obligation, debenture or covenant, and every interest in real or personal estate, effects or property given or transferred to, made with, or vested in any former Treasurer, by virtue of or on account of his office, and shall transfer all the interest, rights and estate of the former Treasurer to the Treasurer for the time being to be vested in him by virtue of his office and subject to the provisions of this Act. R.S.O. 1897, c. 21, s. 7.

Application of
section 5.

6. If any sum of the public moneys is by an Act appropriated for any purpose, or directed by the judgment of any Court or the award of arbitrators or other lawful authority to be paid by the Lieutenant-Governor, and no other provision is made respecting it, such sum shall be payable under warrant of the Lieutenant-Governor, directed to the Treasurer of Ontario, out of the Consolidated Revenue Fund; and all persons entrusted with the expenditure of any such sum, or any part thereof, shall account for the same in such manner and form, with such vouchers, at such periods and to such officer, as the Lieutenant-Governor may direct. 7 Edw. VII. c. 8, s. 1.

Paying over
and account-
ing for public
moneys.

7. Chapter 21 of the Revised Statutes of Ontario, 1897, intituled *An Act respecting the Consolidated Revenue Fund*, and all amendments thereto, are repealed.

Rev. Stat., c. 21
repealed.

CHAPTER 11.

An Act for Raising Money on the Credit of the Consolidated Revenue Fund of Ontario.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Loan of
\$4,000,000
authorized.

1 The Lieutenant-Governor in Council is hereby authorized to raise by way of loan a sum of money not exceeding four million dollars (\$4,000,000) for any or all of the purposes following, that is to say: for the public service; for works carried on by Commissioners on behalf of the Province; for the covering of any debt of the Province on open account; for paying any floating indebtedness of the Province, and for the carrying on of the public works authorized by the Legislature.

Term of loan—
interest.

2. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years at a rate not exceeding four per centum per annum, and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario and shall be chargeable thereupon.

Securities to be
exempt from
taxation.

3. All bonds and inscribed stock issued under the authority of this Act shall be free from all provincial taxes, succession duty, charges and impositions whatsoever.

CHAPTER 12.

An Act respecting the Raising of Loans authorized
by the Legislature.*Assented to 14th April, 1908.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Provincial Loans Act*. Short title.

2.—(1) The Lieutenant-Governor in Council may create a permanent provincial stock, which shall be known as "Ontario Government Stock," and shall be personal property, and the stock, and the interest thereon, shall be charged upon and paid out of the Consolidated Revenue Fund. 5 Edw. VII. c. 2, s. 1 (1). Lieutenant-Governor in Council may create a Permanent Provincial Stock.

(2) The stock shall be subject to such regulations as to the inscription, registration, transfer, management and redemption thereof as the Lieutenant-Governor in Council may make. 5 Edw. VII. c. 2, s. 3 (1), cl. 6, *part*.

(3) The stock shall not be redeemable in less than thirty years from the date of issue, but may be redeemed at or after that date, at the option of the Lieutenant-Governor in Council, provided six months' previous notice has been given, and the Lieutenant-Governor in Council may at the time of issue of such stock fix the date at which it shall be redeemed. 5 Edw. VII. c. 2, s. 1 (2). Stock not to be paid off for 30 years.

(4) The notice may be given by a registered letter addressed to the registered holder of the stock at his address as it appears in the Register. (*New.*)

3. The Lieutenant-Governor in Council may make such regulations as he deems necessary for the management of the public debt and the payment of the interest thereon, and may, subject to the provisions of the next following section, provide for the creation and management of a sinking fund, or other means of securing the repayment of any loan Lieutenant-Governor in Council to make regulations as to the debt and payment of interest.

loan

Fiscal agents,
etc.

loan raised by the authority of the Legislature; and may appoint one or more fiscal agents in the City of London, England, or elsewhere, and agree with them as to the rate of compensation to be allowed them for negotiating loans, and for paying the interest of the debt, and may pay the sums necessary to provide the sinking fund, or other means aforesaid, and such compensation out of the Consolidated Revenue Fund. 5 Edw. VII. c. 2, s. 2.

How loans,
etc., authorized
by Legislature,
may be raised.

4.—(1) Where in any Act authority is given to the Lieutenant-Governor in Council to raise, by way of loan, any sum of money, then, unless there is some provision to the contrary in the Act by which the authority is given, such sum shall, in the discretion of the Lieutenant-Governor in Council, be raised in one of the following ways, or partly in one and partly in another or others thereof, that is to say:—

By issue of
debentures.

(a) By the issue and sale of debentures of Ontario, which shall be in such form, for such separate sums, and at such rate of interest not exceeding six per centum per annum, and the principal and interest whereof shall be made payable at such periods and places as the Lieutenant-Governor in Council deems expedient, and subject to such regulations, including regulations as to inscription, registration and transfer as he may make, and such principal and interest shall be charged on and paid out of the Consolidated Revenue Fund;

By issue of
Ontario Gov-
ernment stock.

(b) By the issue and sale of "Ontario Government Stock," bearing such rate of interest not exceeding six per cent. per annum, as is deemed expedient, payable half-yearly, and the principal and interest whereof shall be charged on and paid out of the Consolidated Revenue Fund;

By grant of
terminable
annuities.

(c) By the granting of terminable annuities charged on and to be paid out of the Consolidated Revenue Fund, on terms in accordance with what the Lieutenant-Governor in Council may deem to be the most approved English tables, and based on a rate of interest not exceeding four per cent. per annum, and subject to such regulations as the Lieutenant-Governor in Council may make;

By issue of
exchequer
bills, or bonds,
or treasury
bills.

(d) By the issue and sale of exchequer bills, exchequer bonds or treasury bills, in sums of not less than four hundred dollars each, in such form and payable at such periods and places as the Lieutenant-Governor in Council deems expedient, and subject to such regulations as he may make, or by temporary loans; and the interest thereon
and

and the amount of such bills or bonds shall be charged on and paid out of the Consolidated Revenue Fund. 5 Edw. VII. c. 2, s. 3 (1), *part*.

(2) On authorizing the issue of debentures or stock, under paragraphs (a) or (b) of subsection 1, the Lieutenant-Governor in Council may provide for a special sinking fund with respect to such issue, and may at any time provide for a general sinking fund for all such portions of the debentures or stock as have been or are hereafter issued without provision for a sinking fund with respect to them; provided that the amount to be invested out of the Consolidated Revenue Fund in any such sinking fund shall not exceed one-half of one per cent. per annum on the amount of the debentures or stock to which it relates. 5 Edw. VII. c. 2, s. 3 (1), *part*.

Lieutenant-Governor in Council may provide a sinking fund, general or special.

Proviso.

(3) Any of such securities may be made payable in any currency. 5 Edw. VII. c. 2, s. 3 (2), *amended*.

Securities payable in any currency.

5. The Lieutenant-Governor in Council may direct that the whole or any part of Ontario Government stock be inscribed and transferred in a register kept in the United Kingdom, or in any foreign country, at such place, and by such bank, officer or person as he may appoint. 5 Edw. VII. c. 2, s. 4.

Register for inscribed stock of Ontario.

6.—(1) The Lieutenant-Governor may, under the Great Seal or in Council, authorize any person to make any declaration, and take any steps necessary to record such inscribed stock, or any portion thereof, under and in accordance with the provisions of the Imperial Acts, known as the Colonial Stock Acts of 1877 to 1900, or any amendments thereof. 5 Edw. VII. c. 2, s. 5.

Lieutenant-Governor in Council to have such stock recorded.

(2) The Treasurer of Ontario may, out of the Consolidated Revenue Fund, pay, satisfy and discharge any judgment, decree, rule or order of a Court in the United Kingdom; which, under the provisions of section 20 of *The Colonial Stock Act, 1877*, or any amendment thereto, is to be complied with by the Registrar of the inscribed stock of Ontario in England. 5 Edw. VII. c. 2, s. 6.

Payment, etc., authorized.

7. The Lieutenant-Governor in Council may change the form of any part of the debt of Ontario by substituting one class of the securities aforesaid for another, provided that neither the capital of the debt nor the annual charge for interest is thereby increased, except where a security bearing a lower rate of interest is substituted for one bearing a higher rate of interest, in which case only the amount of the capital may be increased by an amount not exceeding the difference between the then present value of the securities; but such substitution shall not be made unless the consent

Lieutenant-Governor in Council may change the form of debt, and on what conditions.

consent of the holder of the security for which another is substituted is obtained, or such security is previously purchased or redeemed by or on account of Ontario, and such substitution may be made by the sale of a security of one class and the purchase of that for which it is desired to substitute it. 5 Edw. VII. c. 2, s. 7.

Certain regulations made by Lieutenant-Governor in Council to have force of law.

8.—(1) The regulations made by the Lieutenant-Governor in Council under this or any former Act shall, in so far as they are not inconsistent with the Act under which they are made, have the same force and effect as if embodied and enacted in an Act of the Legislature.

Officers not bound to see to trusts.

(2) No officer or person employed in the inscription, registration, transfer, management or redemption of any of the aforesaid securities, or in payment of any dividend or interest thereon, shall be bound to see to the execution of any trust, expressed or implied, to which such securities are subject, or shall be liable in any way to any person for anything by him done in accordance with any such regulation. 5 Edw. VII. c. 2, s. 8.

Money raised to form part of Con. Rev. Fund.

9. All money raised by the issue and sale of any of the aforesaid securities shall be paid to the Treasurer, and shall form part of the Consolidated Revenue Fund. 5 Edw. VII. c. 2, s. 9.

Certain securities free from provincial taxes.

10. All bonds and inscribed stock and the interest thereon issued under the authority of the Act passed in the sixth year of His Majesty's reign, Chaptered 4, intituled *An Act for raising Money on the Credit of the Consolidated Revenue Fund of Ontario*, shall be free from all provincial taxes, succession duty, charges and impositions, and all monies invested in Ontario Government stock or debentures and the interest thereon shall be exempt from municipal taxation in this Province.

Debt not to be increased except as herein provided.

11. Nothing in this Act shall authorize any increase of the public debt without the express authority of the Legislature, except in the manner and to the extent hereinbefore mentioned. 5 Edw. VII. c. 2, s. 10.

Securities heretofore issued protected.

12. Nothing in this Act shall impair or prejudicially affect the rights of the holder of any securities heretofore issued.

5 Edw. VII. c. 2, repealed.

13. Chapter 2 of the Act passed in the fifth year of His Majesty's reign, intituled *An Act respecting the Raising of Loans authorized by the Legislature* and all amendments thereto are hereby repealed.

CHAPTER 13.

An Act respecting certain Funds held in Trust for the Province by the Dominion of Canada.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All moneys received by the Province of Ontario from the Dominion of Canada on account of the funds known as the Upper Canada Grammar School Fund, the Upper Canada Building Fund and the Land Improvement Fund, shall be paid into and form part of The Consolidated Revenue Fund freed and discharged of all trusts whatsoever, and may be applied by the Province in paying any balance due to the Dominion of Canada.

Monéys received from certain funds to be paid into Consolidated Revenue Fund.

2. The Treasurer of the Province may allow any moneys due to the Province on account of either of the said funds to be credited by the Dominion of Canada on account of any indebtedness of the Province to the Dominion and may direct that the balance, if any, shall be paid into and form part of The Consolidated Revenue Fund.

Moneys may be credited to Province by Dominion and balance paid over.

CHAPTER 14.

An Act to supplement the Revenues of the Crown
in the Province of Ontario.*Assented to 14th April, 1908.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Supplementary Revenue Act*. 63 V. c. 6, s. 1.

INTERPRETATION.

Interpretation.

2. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned.

"Treasurer."

(1) "Treasurer" shall mean Treasurer of the Province.

"Bank."

(2) "Bank" shall mean a corporation or joint stock company wherever incorporated for the purpose of doing a banking business, or the business of a savings bank, which transacts such business in Ontario, whether the head office is situated in Ontario or elsewhere.

"Insurance Company."

(3) "Insurance Company" shall include life, fire, ocean or inland marine, inland transit, accident, plate glass, steam boiler and burglary insurance companies and guarantee, surety or casualty companies which transact business in Ontario, wherever such companies may be incorporated, whether the head office is situate in Ontario or elsewhere, but shall not include mutual fire insurance companies (unless they transact insurance on the cash plan) or mutual live stock and weather insurance companies licensed or registered under *The Ontario Insurance Act* or friendly societies lawfully transacting insurance business in Ontario under the said Act.

Rev. Stat.
c. 203."Loan Com-
pany."
Rev. Stat.
c. 205.

(4) "Loan Company" shall mean a corporation as defined by *The Loan Corporations Act* which transacts business within Ontario.

(5)

(5) "Trust Company" shall mean a corporation authorized under any law in force in Ontario: "Trust Company."

(a) To act as executor, administrator, trustee, liquidator, receiver, assignee, guardian or committee, or

(b) To receive on deposit deeds, wills, or other valuable papers or securities for money or jewelry, plate, or other personal property and to guarantee the safe-keeping of the same, or

(c) To act as attorney or agent for the transaction of any business or class of business, or the collection of money or the management of property of any kind, or,

(d) To act as agent for the purpose of issuing or countersigning certificates of stock, bonds or other obligations of any company or municipal or school corporation, and to receive, invest and manage any sinking fund therefor, or

(e) To guarantee any investment made by it as agent or otherwise.

(6) "Head Office" shall mean the head office in Ontario of a company or the place therein designated by the company as the head office, and where no such place is designated that place of business of the company that may be designated as the head office by the Lieutenant-Governor in Council on the report of the Treasurer. 62 V. (2), c. 8, s. 1, par. 6; 63 V. c. 6, s. 2 (1). "Head Office."

(7) "Company" shall include corporations and associations however or wherever incorporated; and where any such corporation or association is placed in the hands or under the control of an agent, assignee, trustee, liquidator or receiver, or other officer, shall include such agent, assignee, trustee, liquidator, receiver, or other officer; and shall also include an individual, a partnership, syndicate or trust where the business is carried on in Ontario by such individual, partnership, syndicate or trust, whether the head office or chief place of business of such individual, partnership, syndicate or trust is in Ontario or elsewhere, but the word individual in this clause shall not apply to a private banker or to an individual merely because of his loaning money. "Company," "joint stock company," "corporation."

(8) "Extra-Provincial Company" shall mean a company which has its head office elsewhere than in Ontario. "Extra Provincial Company."

(9) "Street Railway" shall include a railway constructed or operated in whole or in part upon or along a highway under or by virtue of an agreement with or by-law of a city, and "Street Railway."

and shall include only those portions of the railway which are within the city.

"Railway."

(10) "Railway" shall include a railway and part of a railway in Ontario, operated in whole or in part by steam, electricity or other motive power constructed and operated on highways or on lands owned by the company owning or operating it, or partly on highways and partly on such lands, but not a street railway as defined by this Act.

Act not to apply to railway operated by municipality.

3. This Act shall not apply to a railway or a street railway, or any gas, electric or telephone works owned and operated by a municipality whether directly by the municipality or by a Board or Commission.

TAXATION OF COMPANIES.

Taxes to supplement revenues of the Province.

4.—(1) Every company, not including a municipal corporation, which transacts business in Ontario under its own name or through an agent or otherwise, shall annually pay to His Majesty for the uses of the Province, the taxes imposed by this Act at the time and in the manner herein-after provided.

BANKS.

(2) Every bank shall pay:—

Payable by banks.

(a) A tax of one-tenth of one per cent. on the paid-up capital stock thereof up to \$2,000,000, and in addition thereto \$25 for every \$100,000 or fraction thereof of the paid-up capital stock, in excess of \$2,000,000, and not exceeding \$6,000,000. 62 V. (2), c. 8, s. 2, par. 1 (a).

(b) An additional tax of \$100 for the head office in Ontario, and \$25 for each additional office, branch or agency in Ontario. 6 Edw. VII. c. 9, s. 1.

Lieutenant-Governor may reduce tax on banks having head office out of Ontario.

(c) Provided always that where the head office or principal place of business of a bank is out of Ontario, and it employs within Ontario only a part of its paid-up capital, and has not more than five agencies or branch offices within Ontario, the Lieutenant-Governor in Council may reduce the amount of the tax, regard being had to the amount of the capital or other monies of such bank in use in Ontario; but the tax shall not be less than one-tenth of one per cent. upon one-half of the paid-up capital. 62 V. (2), c. 8, s. 5.

Note.—Sections 6 to 11 inclusive repealed by 4 Edw. VII. c. 23, s. 228.

INSURANCE COMPANIES.

(3) (a) Every life insurance company which transacts business in Ontario shall pay a tax of one per cent., and every other insurance company shall pay a tax of two-thirds of one per cent., calculated on the gross premiums received by the company in respect of the business transacted in Ontario; By insurance companies.

(b) In the case of mutual fire insurance companies which receive premiums in cash the tax shall be calculated on the gross premiums received in cash in respect of the insurance transacted on the cash plan in Ontario. Provided that every insurance company licensed under *The Ontario Insurance Act* and assessed under section 181 of the said Act shall be credited with the payment under the said last mentioned section in reduction of the tax payable under this Act. 62 V. (2), c. 8, s. 2, par. 2 (a). Mutual fire insurance companies.

(c) Where a life insurance company has its head office elsewhere than in Ontario, and has an annual income of less than twenty thousand dollars from premiums on policies on the lives of persons resident in Ontario, and where such company lends money on the security of lands in Ontario, the company shall pay a tax of one per cent. calculated on the gross premiums received from such policies, and of one-quarter of one per cent. on the gross annual income received from loans on policies or on lands or securities on lands in Ontario. 63 V. c. 6, s. 3. Extra provincial life insurance companies, taxation of.

(d) In the case of reinsurance by an insurance company the company reinsured shall be exempt from the tax imposed on the portion of the premium paid to the reinsuring company, but the reinsuring company shall be liable for the tax in respect thereof as part of its gross premiums. Where the reinsuring company does not transact business in Ontario or has no principal or head office therein, the company reinsured shall retain in its hands so much of the premium for reinsurance as is equivalent to the tax imposed in respect of such premium, and shall be liable for the tax and for the payment thereof to the Treasurer. 62 V. (2), c. 8, s. 2, par. 2 (c). Re-insurance.

(e) Where any country or any state of any country imposes a tax or license fee which has the effect of discriminating against insurance companies or against any classes of insurance companies organized under the laws of Canada or of Ontario and having their principal offices in Ontario, and of imposing a tax or license fee higher or greater than the tax or license fee which home companies in such state or country are required to pay, the Lieutenant-Governor in Council may direct that any insurance company which is organized in or under the laws of any such country or state, or has its head or principal office therein Insurance companies incorporated under laws discriminating against Canadian companies.

therein, and which transacts insurance business in Ontario, shall pay in addition to the tax imposed by clauses (a) and (b) of this subsection, a tax calculated on the gross premiums received by the company or in respect of the business transacted in Ontario during the preceding year, but so that such increase shall not exceed the equivalent of the extra tax or license fee or both imposed in such country or state. 62 V. (2), c. 8, s. 12.

What premiums to be reckoned in estimating tax

(f) In estimating the amount of the tax payable under this Act by an insurance company every premium which

I. is by the terms of the policy or a renewal thereof or otherwise payable in Ontario, or

II. is paid in Ontario, or

III. is payable upon or in respect of a risk undertaken in Ontario, or

IV. is payable in respect of insurance of a person or property resident or situate in Ontario at the time of payment, whether such premium is earned wholly or partly in Ontario or elsewhere and whether the business is transacted in respect of such policy or the payment of such premium is made wholly or partly within Ontario or elsewhere,

shall be deemed to be a premium in respect of business transacted in Ontario. 62 V. (2), c. 8, s. 18.

Books to be kept by insurance companies.

(g) The chief agent in Ontario under *The Ontario Insurance Act*, of an extra-Provincial insurance company, and every other insurance company, shall keep a separate book or set of books in which shall be entered the premiums mentioned in clause (f) of this subsection, and all other income of the company in respect of business transacted in Ontario, and in default the company shall incur a penalty equal, in the case of a life insurance company, to one per cent., and in the case of every other insurance company, to two-thirds of one per cent., on the total gross premiums and other gross income of the company. 62 V. (2), c. 8, s. 18 (3); 63 V. c. 6, s. 11.

LOAN COMPANIES.

By loan companies.

(4) Every loan company which transacts business in Ontario shall pay a tax as follows:—

(a) A company with fixed or permanent paid-up capital, 65 cents for every \$1,000 or fraction thereof of paid-up capital, but in no case less than \$65;

(b)

- (b) A company having terminating or withdrawable capital as well as fixed or permanent capital, the sum of 65 cents on every \$1,000 of paid up terminating or withdrawable capital after the first \$100,000, in addition to the amount payable under clause *a*.
- (c) A company having terminating or withdrawable capital only, the sum of 65 cents on every \$1,000 or fraction thereof of paid-up terminating or withdrawable capital after the first \$100,000.
- (d) Provided that in the case of a company incorporated out of Ontario, the Lieutenant-Governor in Council may direct that the tax shall be calculated as provided by clause *a* upon the amount of the funds used or employed by the company in Ontario. 63 V. c. 6, s. 4.

Loan companies with head office in Great Britain or Ireland, or in another Province.

TRUST COMPANIES.

- (5) Every trust company which transacts business in Ontario shall pay a tax of \$250 on the paid-up capital up to \$100,000, and \$65 on every additional \$100,000 or fraction thereof of paid-up capital, and where the gross profits are \$25,000 per annum or over, shall pay the further sum of \$500 per annum. The income derived from the paid-up capital of the company which may be invested shall not, for the purposes of this Act, be reckoned as gross profits. 62 V. (2), c. 8, s. 2, par. 4.

By trust companies.

RAILWAYS.

- (6) Every company owning, operating or using a railway shall pay a tax of \$60 per mile for one track, and, where the line consists of two or more tracks, of \$20 per mile for each additional track, owned, operated or used in any organized county; and of \$40 per mile for one track, and, where the line consists of two or more tracks, of \$10 per mile for each additional track, in territory without county organization; provided that a company owning, operating or using a railway which, either by itself or in conjunction with any other railway leased by it or to which it is leased or with which it is amalgamated or together with which it forms one system does not exceed 150 miles in length from terminus to terminus, shall in lieu of the said tax pay a tax of \$15 per mile for one track and, where the line consists of two or more tracks, of \$5 per mile for each additional track, and where the railway or system does not exceed 30 miles in length from terminus to terminus a tax of \$10 per mile for one track and \$5 per mile for each additional track.

Tax payable by railway companies.

(a)

- (a) Both the company owning the railway and the company operating or using it shall be jointly and severally liable for the payment of the amount of the tax to the Treasurer, but the total amount payable in respect of any railway shall not exceed the amounts above respectively mentioned, notwithstanding that the railway is owned, operated or used by more than one company;
- (b) The measurement of track for the purposes of this subsection shall not include switches, spurs or sidings. 6 Edw. VII. c. 9, s. 2.

STREET RAILWAYS.

(7) Every company owning, operating or using a street railway or part thereof in a city for carrying passengers shall pay for each mile of track within the city a tax of:

- (a) \$20 when such mileage does not exceed 20 miles;
- (b) \$35 when such mileage exceeds 20 miles but does not exceed 30 miles;
- (c) \$45 when such mileage exceeds 30 miles but does not exceed 50 miles, and
- (d) \$60 when such mileage exceeds 50 miles.

The mileage shall be computed on the single track, each mile of double track being counted as two miles of single track; but in calculating the mileage switches or sidings, tracks into car stables or car sheds, Y's and curves laid at street corners and portions of track not in general use for passenger traffic shall not be counted. 62 V. (2), c. 8, s. 2, par. 6.

TELEGRAPH COMPANIES.

By telegraph companies.

(8) Every company owning, operating or using a line or part of a line of telegraph within Ontario for gain shall pay a tax of one-tenth of one per cent. upon the total amount of money invested in such line or part thereof, or works connected therewith, and both the company owning and the company operating or using such line or part thereof shall be jointly and severally liable for the payment of the amount of the tax to the Treasurer; but the total amount payable in respect of any line or part of a line shall not exceed the amount above mentioned, notwithstanding that the line or part thereof is owned, operated or used by more than one company.

(9)

TELEPHONE COMPANIES.

(9) Every company owning, operating or using a telephone line or part thereof in Ontario for gain shall pay a tax of one-eighth of one per cent. upon the paid up capital of such company. By telephone companies.

GAS AND ELECTRIC COMPANIES.

(10) Every gas company and every electric lighting company in any city in the Province shall pay a tax of one-tenth of one per cent. on its paid up capital, but this shall not apply to companies supplying natural gas or to any gas or electric works owned and operated by a municipality. By gas and electric light companies.

EXPRESS COMPANIES.

(11) Every express company operating over a railway in Ontario shall pay a tax of: By express companies.

(a) \$800 for the first 400 miles or fraction thereof and

(b) An additional \$125 for every additional 400 miles or fraction thereof.

But this shall not apply to an express company which transmits goods in sealed cars over any railway in Ontario between points both of which are without Ontario, where such company does not receive or deliver goods at a station in Ontario. 62 V. (2), c. 8, s. 2, par. 12; 63 V. c. 6, s. 6. Express companies using sealed cars through Ontario.

SLEEPING AND PARLOUR CAR COMPANIES.

(12) Every company transacting business in Ontario by leasing or hiring sleeping or parlour cars to a railway company, or whose sleeping or parlour cars run upon or are used by a railway company within Ontario, shall pay the sum of one-third of one per cent. upon the money invested in such cars in use in Ontario. 62 V. (2), c. 8, s. 2, par. 13. By sleeping car companies.

PAYMENT OF TAX AND RETURNS.

5. The telephone and telegraph plant, poles and wires of a railway company which are used exclusively in the running of trains or for any other purpose of a railway and not for commercial purposes shall not be liable for the tax imposed by subsections 8 and 9 of section 4 of this Act. Exemption of telegraph and telephone plant of railway.

6. The tax imposed by this Act shall be determined upon the amount of the paid-up capital stock, mileage or other subject in respect of which the amount of the tax is to be ascertained, as the same stood on the 31st day of December next preceding the year for which the tax is imposed. 62 V. (2), c. 8, s. 26. How tax to be imposed.

Taxes when
to accrue.

7. The taxes imposed by this Act shall be deemed to be due on the first day of January of the year in which they are imposed, but shall not be payable until the first day of October thereafter. 63 V. c. 6, s. 12.

Company to
file annual
statement.

8.—(1) Every company on which a tax is imposed by this Act shall on or before the first day of June in each year without any notice or demand deliver in duplicate to the Treasurer such return as the Lieutenant-Governor in Council may prescribe for the purpose of carrying out the provisions of this Act. 62 V. (2), c. 8, s. 15 (1); 63 V. c. 6, s. 10.

Verification of
returns.

(2) The return shall be verified by the oaths of the president and manager or of the manager and vice-president having personal knowledge of the affairs of the company, and in the case of extra-Provincial companies by the manager or chief agent of the company in Ontario, and the accountant or secretary thereof or by such other person or persons connected with the company as the Treasurer may require. 62 V. (2), c. 8, s. 15 (2).

Statement by
extra pro-
vincial com-
pany, verifica-
tion of.

(3) In the case of an extra-Provincial company which has no officer within Ontario excepting a chief agent, the return may be verified by the oath of the chief agent only. 63 V. c. 6, s. 9.

Penalty for
not making
returns.

9. For every default in complying with the provisions of the next preceding section, the company and the person or person by whom the return should be verified shall each incur a penalty of \$20 for each day during which the default continues, and the company shall also be liable to pay a tax of double the amount for which it is liable under the preceding sections, and the penalty or double tax may be recovered in any court of competent jurisdiction by and in the name of the Treasurer, and the action shall be tried without a jury. 62 V. (2), c. 8, s. 16 (1).

Enlarging
time for
making
return.

10. The Treasurer may, before or after the time for making it, enlarge the time for making any return. 62 V. (2), c. 8, s. 17.

Requisition
by treasurer
for further in-
formation.

11.—(1) If the Treasurer, in order to enable him to determine whether a return furnished is correct, desires further information, he may, by registered letter addressed to the president, manager, secretary, or agent of the company, require a further return to be furnished under oath within thirty days. 62 V. (2), c. 8, s. 22.

Commission of
enquiry.

(2) If the required information is not furnished to the satisfaction of the Treasurer, the Lieutenant-Governor in Council may direct inquiry to be made by a commissioner or commissioners, appointed under *The Public Inquiries Act*,

Act, and the determination of the commissioner or commissioners, after having given all persons concerned an opportunity to be heard, shall, for the purposes of this Act, be final as to the particulars mentioned in the report, but the Lieutenant-Governor in Council may for cause vary the report; but the findings of the commissioner or commissioners shall not be varied so that the amount of the tax payable by the company shall be increased without giving the company an opportunity of being heard. 62 V. (2), c. 8, s. 23.

(3) If the inquiry is occasioned by failure to furnish the information required by the Treasurer, subject to the next succeeding subsection, the company shall pay the costs of the inquiry, but if the return is found to be correct and the required information appears to have been duly furnished, the Treasurer may direct the costs or such of them as were necessary to be paid by the Province. Cost of commission.

(4) If the commissioner or commissioners find that the return understates the amount upon which the tax should be paid, the company, besides paying the costs of the inquiry, shall pay the tax based on the amount as found by the commissioner or commissioners with fifty per cent. added to the tax, unless the Lieutenant-Governor in Council shall otherwise direct. Additional tax where amount understated.

(5) The costs of the commission may be fixed and certified by the Treasurer, or he may direct the same to be taxed, and when payable to the Crown the same may be recovered in the manner hereby provided for the recovery of a tax. Taxation of costs.

(6) If the Treasurer directs the costs to be taxed the same shall be taxed by a taxing officer of the Supreme Court of Judicature. 62 V. (2), c. 8, s. 24. Who to tax costs.

(7) If the commissioner or commissioners find that the return understates the amount on which the tax should be paid, but also certify that such understatement was not made with intent to decrease the amount of the tax to be paid but was made in good faith and with no improper motive, the Lieutenant-Governor in Council may, upon the recommendation of the Treasurer, remit so much of the added percentage and so much of the costs as to him may seem meet. 62 V. (2), c. 8, s. 25. When understatement of amount made in good faith.

12.—(1) In default of payment of any tax by this Act imposed, the same may be levied and collected with costs by distress upon the goods and chattels wherever found of the company liable therefor under a warrant signed by the Treasurer directed to the sheriff of any county, and the sheriff shall levy and collect the tax or so much thereof as may be in arrear and all costs by sale of the goods and

chattels of the company or so much thereof as may be necessary to satisfy the tax and costs.

(2) Any tax or penalty imposed by this Act may at the option of the Treasurer be recovered with costs in any court of competent jurisdiction by and in the name of the Treasurer, and the action shall be tried without a jury. 62 V. (2), c. 8, s. 19.

Insolvency—
tax to be a
preferred
claim.

13. Every tax and penalty imposed by this Act shall be a first lien and charge upon the property in Ontario of the company liable to pay the same. 62 V. (2), c. 8, s. 21.

Actions to be
brought by
the Treas-
urer of the
Province of
Ontario.

14. An action brought by the Treasurer under this Act shall be brought and prosecuted in and by his name of office and may be continued by his successor in office as if no change had occurred. 62 V. (2), c. 8, s. 27.

Penalties to
be recovered
by Attorney-
General.

15. The penalty under this Act shall be recovered only at the instance or with the consent of the Attorney-General. 62 V. (2), c. 8, s. 28.

Compromis-
ing disputes
as to liability
for taxes.

16. If any doubt or dispute arises as to the liability of a company to pay a tax or any portion of a tax demanded under the authority of this Act, or if owing to special circumstances it is deemed inequitable to demand payment of the whole amount imposed under this Act, the Treasurer may accept such amount as he may deem proper, and if the tax demanded has been paid under protest he may refund the same or any part thereof. 63 V. c. 6, s. 7.

Distribution of
one half the
revenue from
railway tax
among muni-
cipalities.

17.—(1) There shall be set apart from the Consolidated Revenue Fund on the 31st day of December in each year, a sum equal to one-half the receipts of the Province during such year for taxes from railway companies under subsection 6 of section 4 of this Act, after deducting therefrom the sum of \$30,000, and the sum so set apart shall, on the 31st day of December in each year, be credited to the cities, towns, incorporated villages and organized townships in Ontario in proportion to population as compared with the whole population of the Province as shown by the last preceding Dominion census, and in the event of the population of any municipality being uncertain, owing to change of municipal boundaries, the Lieutenant-Governor in Council may determine the same for the purposes of this Act.

(2) The Lieutenant-Governor in Council may fix the amount per head of the population to be so credited without allowing for fractions of a cent.

Municipalities
to be debited
with cost of
maintenance

(3) Against the amount so credited there shall be charged, as a contribution towards his maintenance, a sum amounting to ten cents per patient per day for each patient
13a s. belonging

belonging to the municipality maintained for the whole or any part of such year in any lunatic or other asylum of Ontario, such charge to be made only in respect of patients on account of whose maintenance the Province is not in receipt from any source of one dollar and a half per week or more.

(4) All questions as to the liability of a municipality to such charge shall be determined by an officer designated for that purpose by the Provincial Secretary, whose decision may at any time and from time to time be varied or cancelled by himself or by any other officer designated by the Provincial Secretary.

Liability of municipality, how to be determined.

(5) The balance remaining at the credit of each municipality after deducting such charge shall be forthwith paid by the Treasurer to the municipality; but no municipality shall be liable for any payment if the amount charged in any year exceeds the amount credited in such year.

Balance to be paid over to municipality towards maintenance of patients in excess of the amount so credited.

(6) The name of every patient in respect of whom the charge is made shall be furnished annually to the municipality, but shall not be published in the accounts of the municipality unless the council so directs. 6 Edw. VII. c. 9, s. 4.

Names of patients to be sent to municipalities.

18. Chapter 8 of the Acts passed at the 2nd Session held in the 62nd year of Her late Majesty's reign, intituled *An Act to Supplement the Revenues of the Crown in the Province of Ontario* and all amendments thereto are hereby repealed.

62 V. (2) c. 8 Repealed.

CHAPTER 15.

An Act to amend The Supplementary Revenue Act,
1907.*Assented to 14th April, 1908.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

7 Edw. VII, c. 9,
s. 6, amended.

1. Clause *i* of subsection 3 of section 6 of *The Supplementary Revenue Act, 1907*, is amended by striking out the words "or some or one of them" in lines 11 and 12 of said paragraph.

7 Edw. VII, c. 9,
s. 9, subs. 1
amended.

2. Subsection 1 of section 9 of *The Supplementary Revenue Act, 1907*, is amended by striking out the last six lines thereof and substituting therefor the words "also show the amount or approximate amount of municipal income tax to be deducted under the provisions of section 15."

7 Edw. VII, c. 9,
s. 15 repealed.

3. Section 15 of *The Supplementary Revenue Act, 1907*, is repealed and the following is substituted therefor:

Allowance for
income tax
paid to muni-
cipality.

15.—(1) When any person liable to payment of a tax under section 6 of this Act in respect of any mine is also during the same year in which such tax is payable liable for and paying to the municipality or municipalities in which such mine is situate an income tax upon income derived from such mine he shall be entitled to deduct from the amount of tax payable under said section 6 the amount of such municipal income tax; provided that the amount which he shall be so entitled to deduct shall in no case exceed one-third of the amount of the tax for which he is liable under said section 6; and provided further that notice of the amount and proof of the liability for and payment of such municipal income tax is furnished to the Mine Assessor at such time and in such manner as he may require.

(2)

(2) Notwithstanding sub-section (1) hereof any person liable to payment of a tax under section 6 of this Act in respect of any mine in the municipality of the town of Cobalt as at present constituted shall be entitled to deduct from the amount payable under said section 6 the amount of the municipal income tax levied by the said municipality, provided that the amount which he shall be so entitled to deduct shall in no case exceed one-half of the amount of the tax for which he is liable under the said section.

4. Section 16 of said Act is amended by adding at the end thereof the following proviso: 7 Edw. VII, c. 9, s. 16 amended.

Provided that no tax shall be payable under this section upon any separate tract or parcel of land, not separated for the purpose of avoiding the tax, which comprises less than 10 acres. The decision of the Mine Assessor as to right of exemption under this proviso shall be final and conclusive. Acresage tax not to be payable on parcel of less than ten acres.

5. Section 25 of said Act is amended by striking out the last five lines thereof and substituting therefor the following: 7 Edw. VII, c. 9, s. 25 amended.

Provided that natural gas used for ordinary domestic purposes by the owner or occupier of the land on which the well producing the same is situate, or so used by two or more persons from a well jointly sunk by them for their own use on land owned by one or more of them, shall not be subject to such tax, except where the same exceeds five dollars in amount. Tax on over-flow of natural gas.

6. Section 34 of the said Act is repealed and the following substituted therefor: 7 Edw. VII, c. 9, s. 34 repealed.

34. A municipal corporation shall not be required to pay any tax under Part II. of this Act upon any gas actually used in Canada. Tax on natural gas not to apply to corporation.

7. Section 38 of said Act is repealed and the following substituted therefor: 7 Edw. VII, c. 9, s. 38 repealed.

38.—(1) In addition to any other remedies for the recovery of any tax by this Act imposed, an injunction or order in the nature of injunction or the appointment of a receiver with all necessary powers, or such other relief or remedy as may seem necessary or expedient for securing payment of the tax, may, in any case where any tax under this Act is overdue or where the payment of any accrued or future tax seems endangered, be obtained in the High or County or District Court at the instance and in the name of the Minister, to prevent the removal, transportation or transmission of any ore, mineral, or mineral-bearing substance, or natural gas, or to prevent or restrict mining operations

or

or the production or waste of natural gas, or to provide for such operations or production upon such terms and conditions as may seem proper.

Closing up
natural gas well
where tax
endangered
by waste.

(2) In any case where natural gas is wasting in such quantity that the mine assessor deems that payment of any tax due or to become due thereon is endangered, he may give notice in writing to the owner or person in charge of the well or opening from which the gas is flowing, or may post up notice at or near such well or opening requiring stoppage of such waste, and if the waste is not effectively prevented within six days thereafter it shall be lawful for the mine assessor with the consent of the Minister forthwith to close up or direct and procure the closing up of such well or opening in such way as he may deem suitable and proper, and the mine assessor shall have all rights and powers necessary therefor, and the expense of such closing up as certified by the mine assessor shall, subject to appeal as in section 13 provided, be added to and be deemed part of the tax under this Act.

CHAPTER 16.

An Act to amend The Public Lands Act.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Where it is made to appear to the satisfaction of the Minister of Lands, Forests and Mines, by inspection and report of an officer appointed by him for such purpose, that the lands in any township or portion of a township, being Crown lands not reserved from settlement, are not valuable for their mines or minerals but are agricultural lands suitable for cultivation and settlement, the Minister may under authority of an Order-in-Council in that behalf, open such lands for sale under this Act for agricultural purposes to actual settlers, and such actual settlers shall be entitled to the mines and minerals which may be or be found therein, and the patents for such lands when issued shall expressly grant the mines and minerals.

Order in Council opening lands for sale as agricultural land and including mines.

2.—(1) In all townships already open for sale, the Minister may at the request of any purchaser of lands therein under this Act or any person claiming under him, cause such lands to be examined by an officer appointed by the Minister for such purpose, and if his report shows that such lands are not valuable for their mines or minerals but are agricultural lands, and that the purchaser or person claiming under him is in actual residence thereon with substantial improvements, the Minister may declare him entitled to the mines and minerals in the lands if the same are the property of the Crown and have not been staked out, recorded, leased, or granted under *The Mining Act of Ontario*, passed at the present session of the Legislature, or any statute or regulation previously in force, and the patent for the lands when issued shall expressly convey the mines and minerals.

Declaring purchaser entitled to minerals in lands already granted.

(2) Provided that if such inspection and report are made after the issue of the patent the Minister may make an order

Supplementary grant of minerals.

order

order directing a patent to issue conveying the mines and minerals to the owner of the land if the same are the property of the Crown and have not been staked out, recorded, leased or granted under *The Mining Act of Ontario*, or any statute or regulation previously in force.

Reservations of
minerals in
patents hereto-
fore granted
rescinded.

(3) All reservations of mines, ores or minerals expressed or implied in any patent heretofore issued for lands sold or granted under this Act, where such mines, ores, or minerals are the property of the Crown and have not been staked out, recorded, leased or granted under *The Mining Act of Ontario*, or any statute or regulation previously in force, are hereby rescinded and made void, and all mines, ores or minerals in such lands shall be deemed to have passed with the said lands to the subsequent and present owners thereof.

Rev. Stat., c. 28
amended.

3. *The Public Lands Act* is hereby amended by inserting therein the following after section 36 thereof:—

Inspection of
lots and
reduction of
price where
improvements
made.

36a. Where it is represented that any individual lot or lots have been sold since the 1st day of July, 1867, and prior to the 1st day of July, 1890, at a price beyond the fair value thereof, and the price remains unpaid, the Minister of Lands, Forests and Mines may cause an inspection of such lot or lots to be made at the expense of the applicant, and if the report of the inspector shows the purchaser or his assignee to be in occupation with substantial improvements, the Minister may make such reduction either in principal or interest, or both, as may seem fair and equitable.

CHAPTER 17.

An Act to amend The Free Grants and Homesteads Act.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Free Grants and Homesteads Act* is amended by striking out the word "five" in the second, eighth and twelfth lines thereof and substituting the word "three" therefor. Rev. Stat., c. 29, s. 8, amended.

2. Section 12 of said Act is amended by striking out the word "five" in the thirteenth line thereof and substituting the word "three" therefor. Rev. Stat., c. 29, s. 12, amended.

3.—(1) Where it is made to appear to the satisfaction of the Minister of Lands, Forests and Mines by inspection and report of an officer or officers appointed by him for such purpose, that the lands in any township or portion of a township being Crown lands not reserved from settlement are not valuable for their pine trees or their mines or minerals, but are agricultural lands suitable for cultivation and settlement, the Minister may, under authority of an Order in Council in that behalf, open such lands for location and sale under *The Free Grants and Homesteads Act* to actual settlers, and the pine trees and mines and minerals on and in such lands shall be included in any location or sale under the said Act, and the patent for such lands when issued shall expressly grant the pine trees and mines and minerals. When pine and minerals may be included in free grant.

(2) But the locatee shall not be entitled to cut and dispose of the pine trees except for building, fencing and in the course of actual clearing until he shall have been six months in residence, with a house of the dimensions of 16×20 feet erected and six acres cleared and under crop, when he shall be entitled to dispose of all pine trees free of any charge. When settler may dispose of pine.

(3)

Lands under
timber license.

(3) This amendment, so far as pine trees are concerned, shall not apply to any lands which are under license for the cutting of timber at the time they are brought under the operation of the said Act.

Townships
heretofore
opened for
settlement.

4.—(1) In all townships already open for location or sale under the said *The Free Grants and Homesteads Act*, the Minister may at the request of any locatee under said Act cause such lands to be examined by an officer or officers appointed by the Minister for such purpose, and if his or their report shows that such lands are not valuable for their mines or minerals but are agricultural lands, and that the locatee is in actual residence thereon with substantial improvements, the Minister may declare the mines and minerals in the lands to be included in the location or sale thereof if the same are the property of the Crown and have not been staked out, recorded, leased or granted under *The Mining Act of Ontario* passed at the present session of the Legislature, or any statute or regulation previously in force, and the patents for the lands when issued shall expressly convey the mines and minerals.

Issue of patent
of mining
rights to
settler.

(2) Provided that if such inspection and report are made after the issue of the patent, the Minister may make an order directing a patent to issue conveying the mines and minerals to the owner of the land if the same are the property of the Crown and have not been staked out, recorded, leased or granted under *The Mining Act of Ontario*, or any statute or regulation previously in force.

(3) All reservations of mines, ores or minerals contained in any patent heretofore issued for lands patented under the said Act, where such mines, ores or minerals are the property of the Crown and have not been staked out, recorded, leased or granted under *The Mining Act of Ontario*, or any statute or regulation previously in force, are hereby rescinded and made void, and all mines, ores and minerals in such lands shall be deemed to have passed with the said lands to the subsequent and present owners thereof.

CHAPTER 18.

An Act to amend The Rainy River Free Grants and Homesteads Act.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Rainy River Free Grants and Homesteads Act* is amended by striking out all the words therein after the word "acres" in the fourth line and substituting therefor the words "at fifty cents per acre, payable in cash." Rev. Stat. c. 30, s. 7, amended.

2. Section 8 of the said Act is amended by striking out all the words therein after the word "acres" in the third line and substituting therefor the words "at fifty cents per acre, payable in cash." Rev. Stat. c. 30, s. 8, amended.

3. Section 10 of the said Act is amended by striking out the words "at one dollar per acre" in the fifth line and substituting therefor the words "at fifty cents per acre." Rev. Stat. c. 30, s. 10, amended.

4.—(1) Where it is made to appear to the satisfaction of the Minister of Lands, Forests and Mines by inspection and report of an officer or officers appointed by him for such purpose, that the lands in any township or portion of a township being Crown lands not reserved from settlement are not valuable for their pine trees or their mines or minerals, but are agricultural lands suitable for cultivation and settlement, the Minister may, under authority of an Order in Council in that behalf, open such lands for location and sale under *The Rainy River Free Grants and Homesteads Act* to actual settlers, and the pine trees and mines and minerals on and in such lands shall be included in any location or sale under the said Act, and the patent for such lands when issued shall expressly grant the pine trees and mines and minerals. When pine and minerals may be included in free grant.

When settler
may dispose of
pine.

(2) But the locatee shall not be entitled to cut and dispose of the pine trees except for building, fencing and in the course of actual clearing until he shall have been six months in residence with a house of the dimensions of 16 x 20 feet erected and six acres cleared and under crop, when he shall be entitled to dispose of all pine trees free of any charge.

Lands under
license at pass-
ing of Act.

(3) This amendment, so far as pine trees are concerned, shall not apply to any lands which are under license for the cutting of timber at the time they are brought under the operation of the said Act.

Townships
heretofore
opened for
settlement.

5.—(1) In all townships already open for location or sale under the said *The Rainy River Free Grants and Homesteads Act*, the Minister may at the request of any locatee under said Act cause such lands to be examined by an officer or officers appointed by the Minister for such purpose, and if his or their report shows that such lands are not valuable for their mines or minerals but are agricultural lands, and that the locatee is in actual residence thereon with substantial improvements, the Minister may declare the mines and minerals in the lands to be included in the location or sale thereof if the same are the property of the Crown and have not been staked out, recorded, leased or granted under *The Mining Act of Ontario*, passed at the present session of the Legislature, or any statute or regulation previously in force, and the patents for the lands when issued shall expressly convey the mines and minerals.

Issue of patents
of mining
rights to settler.

(2) Provided that if such inspection and report are made after the issue of the patent the Minister may make an order directing a patent to issue conveying the mines and minerals to the owner of the land if the same are the property of the Crown and have not been staked out, recorded, leased or granted under *The Mining Act of Ontario*, or any statute or regulation previously in force.

Reservations
of mines in
certain lands
to be void.

(3) All reservations of mines, ores or minerals contained in any patent heretofore issued for lands patented under the said Act, where such mines, ores or minerals are the property of the Crown and have not been staked out, recorded, leased or granted under *The Mining Act of Ontario*, or any statute or regulation previously in force are hereby rescinded and made void, and all mines, ores and minerals in such lands shall be deemed to have passed with the said lands to the subsequent and present owners thereof.

CHAPTER 19.

An Act to amend the Act to provide for the Appropriation of certain lands for the Volunteers who served in South Africa, and the Volunteer Militia who served on the Frontier in 1866.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Act to provide for the appropriation of certain lands for the Volunteers who served in South Africa, and the Volunteer Militia who served on the Frontier in 1866*, passed in the 1st year of His Majesty's reign, Chaptered 6, may be cited as "*The Veterans' Land Grant Act*," Short title of 1 Edw. VII, c. 6.

2. Section 3 of *The Veterans' Land Grant Act*, as amended by the Act passed in the 7th year of His Majesty's reign, Chaptered 12, is amended by striking out the words "first day of January" in the last line thereof and substituting therefor the words "thirtieth day of September," and the said first mentioned Act shall be read as if the said date had been named therein at the time of the passing thereof.

3. Section 5 of *The Veterans' Land Grant Act* is repealed and the following substituted therefor:— 1 Edw. VII, c. 6, s. 5 repealed.

5. When the necessary evidence as aforesaid has been furnished, the Minister of Lands, Forests and Mines, may issue to the applicant a certificate declaring him to be entitled to be located for 160 acres of land in the territory so set apart, and upon his being located therefor, the said Minister may issue a further certificate which shall describe the lands located and shall declare that the same are located under and subject to the provisions of this Act. Certificate of location.

(a)

Certificates to be transferable and receivable on account of price of Crown Lands.

(a) Certificates of the kind first mentioned in this section shall be transferable, and shall be receivable by the Department of Lands, Forests and Mines in payment of any Crown lands open for sale at the rate of eighty dollars for each certificate, but no transferee or assignee of such certificate shall by virtue of such transfer be entitled to be located for any lands under this Act.

1 Edw. VII,
c. 6, s. 6
amended.

4. Section 6 of the said Act is amended by adding after the word "administrators" in the 5th line thereof the words "or his devisee if such devisee is one of the next of kin of the testator."

1 Edw. VII,
c. 6, s. 7
amended.

5. Section 7 of the said Act is amended by adding after the word "administrators" in the 2nd line the words "or devisee as aforesaid."

1 Edw. VII,
c. 6, s. 7, clause
(a) amended.

6. Clause (a) of section 7 of the said Act added thereto by section 6 of the Act passed in the 6th year of His Majesty's reign, Chaptered 13, is amended by adding after the word "administrators" in the 6th line the words "or devisee as aforesaid."

5 Edw. VII,
c. 5, s. 5
repealed.

7. Section 5 of the Act passed in the fifth year of His Majesty's reign, Chaptered 8, as amended by section 4 of the Act passed in the 6th year of His Majesty's reign, Chaptered 13, is repealed and the following substituted therefor:—

Redemption of
certificates.

Certificates of the kind first mentioned in section 5 of the said Act may with the consent of the holder thereof be redeemed by the Treasurer of the Province upon payment of \$50 to such holder out of such moneys as may from time to time be voted by the Legislature for that purpose.

CHAPTER 20.

An Act to amend The Forest Reserves Act.

Assented to 14th April, 1908.

WHEREAS under sections 1 and 2 of *The Forest Reserves Act* a certain territory called The Temagami Forest Reserve was declared to be a permanent Crown forest reserve; and whereas it is expedient for the purpose of establishing a town site to withdraw from the operation of said Act the lands described as follows: the south parts of lots 5 and 6 in the 5th concession south of Elk Lake, on the Montreal River, in the Township of James, in the Temagami Forest Reserve, District of Nipissing, containing by admeasurement 42 acres and 181 acres respectively, or 223 acres in all, on which is laid out the town plot of Smyth.

Preamble

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The lands so described are hereby withdrawn from the said Crown forest reserve, and the said Act shall no longer apply thereto.

Certain lands withdrawn from Temagami Forest Reserve.

2. In case the timber on any portions of the forest reserves established under the said Act has been or shall be at any time damaged by fire, or has attained mature growth, the said timber may be offered at public sale, subject to such regulations as may from time to time be made by the Lieutenant-Governor in Council.

Sale of timber after damage by fire on Reserves.

CHAPTER 21.

An Act to consolidate and amend The Mines Act.

Assented to 14th April, 1908.

SHORT TITLE, s. 1.

PART I.—PRELIMINARY.

- INTERPRETATION, s. 2.
 APPLICATION OF ACT, s. 3.
 BUREAU OF MINES,—DEPUTY MINISTER, ss. 4, 5.
 PROVINCIAL GEOLOGIST, ASSAYER, INSPECTORS, s. 6.
 MINING RECORDERS, s. 7.
 Books and documents, ss. 8, 10.
 Employment of professors, etc., s. 11.
 GENERAL PROVISIONS AS TO OFFICERS, ss. 12-15.
 MINING COMMISSIONER, s. 16.
 Appointment,—tenure of office, etc., s. 16.
 MINING DIVISIONS, ss. 17-20.
 SPECIAL MINING DIVISIONS, s. 21.
 MINER'S LICENSE, ss. 22-33.

PART II.—MINING CLAIMS.

- LANDS OPEN FOR PROSPECTING, s. 34.
 DISCOVERER MAY STAKE OUT CLAIM, s. 35.
 LANDS NOT OPEN, ss. 36-43
 FOREST RESERVES, ss. 44-46
 LANDS UNDER TIMBER LICENSE, s. 47.
 PROHIBITING MINING WORK, 48.
 SIZE, FORM AND NUMBER OF CLAIMS, ss. 49-53.
 STAKING—MODE OF, ss. 54-58.
 RECORDING APPLICATIONS, ss. 59-62.
 DISPUTING APPLICATIONS, s. 63.
 CERTIFICATE OF RECORD, ss. 64-66.
 RIGHTS OF HOLDER, ss. 67, 68.
 ADDRESS FOR SERVICE, 69.

TRUSTS,—AGREEMENTS AND TRANSFERS, ss. 70-72.

RECORDING DOCUMENTS, ss. 73-77.
 WORKING CONDITIONS, s. 78.

 Computation of time, extension of, etc., ss. 79-80.

 Proportionate contribution by co-owners, s. 81.

ABANDONMENT, ss. 82, 83.

FORFEITURE, ETC., ss. 84-88.

INSPECTION OF CLAIMS, ss. 89-93.

WORKING PERMITS,—HOW OBTAINED, ss. 94-103.

 Application to be posted up, s. 95.

 Limit of number to be held by licensee, s. 96.

 Rights of other licensees, s. 97.

 Application of certain provisions, s. 98.

 Working conditions, s. 99.

 Transfer, s. 100.

 Renewals, s. 101.

 Staking out claims on working permit area, s. 102.

 Decisions as to, s. 103.

SURFACE RIGHTS, ss. 104, 105.

PATENT—APPLICATION FOR, s. 106.

 Price to be charged, s. 107.

 Free grant to first discoverer, s. 108.

 Reservation for roads, s. 109.

 Form and contents of, ss. 110-112.

 Survey, ss. 113-116.

PART III.—PLACER MINING

PROVISIONS, AS TO, s. 117.

PART IV.—QUARRY CLAIMS

WHEN CLAIMS MAY BE STAKED FOR, s. 118.

PART

PART V.—PETROLEUM, GAS, COAL AND SALT.

BORING PERMITS, LEASES, ETC., ss.
119, 120.

PART VI.—DREDGING LEASES.

REGULATIONS FOR,—BY ORDER IN
COUNCIL, s. 121.

PART VII.—PARTNERSHIPS.

MINING PARTNERSHIPS, s. 122.

PART VIII.—PROCEEDINGS BEFORE COMMISSIONER AND RECORDER.

POWERS OF COMMISSIONER, ss.
123-129.

POWERS OF RECORDER, ss. 130,
131.

Record and notice of decisions,
s. 130 (3).

Procedure, etc., s. 131.

ENFORCING ORDERS, s. 132.

APPEALS FROM RECORDER TO COM-
MISSIONER, s. 133.

APPEAL TO MINISTER, s. 134.

PROCEDURE BEFORE COMMISSION-
ER, ss. 135-144.

Appointment, s. 136.

Directions, etc., s. 137 (1).

Place of hearing, s. 137 (2),
(4), (5).

Hearing to be prompt, s. 137
(3).

View, deciding on, s. 139.

Decision to be on real merits,
s. 140.

Security for costs, etc., s. 141.

Use of Court Room, etc., s. 142.

Evidence, s. 144.

COSTS AND WITNESS FEES, ss. 145-
147.

DECISIONS, ss. 148-150.

APPEALS FROM COMMISSIONER, s.
151.

APPEALS FROM DIVISIONAL COURT,
s. 152.

PROCEDURE ON APPEALS, s. 153.

VALIDITY OF PROCEEDINGS BEFORE
COMMISSIONER AND RECORD-
ER, ss. 154, 155.

POWER TO EXTEND TIME AFTER
EXPIRATION OF PRESCRIBED
TIME, s. 156.

PART IX.—OPERATION OF MINES.

EMPLOYEES,—AGE, HOURS OF
LABOUR, ETC., ss. 157-161.

FENCING ABANDONED OR UNWORKED
MINES, s. 162.

INQUEST TO BE HELD IN CASE OF
FATALITY, s. 163.

GENERAL RULES TO BE OBSERVED
BY OWNERS, s. 164.

WAGES, PAYMENT OF, s. 165.

ADJOINING CLAIMS NOT TO BE IN-
JURED, s. 166.

PARTY WALLS, s. 167.

NOTICE OF ACCIDENTS, s. 168.

NOTICE OF CHANGES IN WORKING,
s. 169.

STATISTICAL RETURNS, s. 170.

PLANS OF WORKINGS, s. 171.

INSPECTOR,—GENERAL POWERS AND
DUTIES, s. 172.

Report on accidents, s. 173.

PENALTIES, ss. 174, 175.

PART X.—OFFENCES. PEN- ALTIES AND PROSECU- TIONS.

OFFENCES,—PENALTIES, ss. 176-
181.

PART XI.—GENERAL PRO- VISIONS.

WAGES, LIEN FOR, ss. 182, 183.

LIQUOR LICENSES, s. 184.

RIOT ACT, s. 185.

EXPLORATORY DRILLING, s. 186.

REGULATIONS BY ORDER IN COUN-
CIL, s. 187.

FEES UNDER ACT, s. 188.

CANCELLATION OF PATENT—LANDS
AND MINES TO VEST IN CROWN,
s. 189.

DEFAULT OF LESSEE UNDER MINES
ACT, 1897, ss. 190-192.

REPEAL, s. 193.

COMMENCEMENT OF ACT, s. 194.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of On-
tario, enacts as follows:—

1. This Act may be cited as *The Mining Act of Ontario*. ^{Short title}
6 Edw. VII. c. 11, s. 1.

PART I.—PRELIMINARY.

INTERPRETATION.

Interpretation. 2. In this Act

"Agent." (a) "Agent" where it occurs in Parts IX and X shall mean any person having, on behalf of the owner, the care or direction of a mine, or of any part thereof.

"Commissioner." (b) "Commissioner" shall mean the Mining Commissioner.

"Crown lands." (c) "Crown lands" shall not include lands in the actual use or occupation of the Crown, or of any public Department of the Government of the Dominion of Canada, or of Ontario, or of any officer or servant thereof, or under lease or license of occupation from the Crown or the Minister of Lands, Forests and Mines, or set apart or appropriated by lawful authority for any public purpose or vested in the Temiskaming and Northern Ontario Railway Commission.

"Department." (d) "Department" shall mean the Department of Lands, Forests and Mines.

"Deputy Minister." (e) "Deputy Minister" shall mean the Deputy Minister of Mines.

"In place." (f) "In place" when used in reference to mineral shall mean in the place or position where originally formed in the solid rock, as distinguished from being in loose, fragmentary or broken rock, boulders, float, beds or deposits of gold-, or platinum-bearing sand, earth, clay, or gravel, or placer.

"Inspector." (g) "Inspector" shall include an inspector appointed under this Act, for a Mining Division or any part thereof, or for the Province, and any officer having the powers of an inspector.

"Licensee." (h) "Licensee" shall mean a person, mining partnership or company holding a miner's license issued under this Act or any renewal thereof.

"Machinery." (i) "Machinery" shall include steam and other engines, boilers, furnaces, stamps and other crushing apparatus, winding and pumping gear, chains, trucks, tramways, tackle, blocks, ropes and tools, and all appliances used in or about or in connection with a mine.

"Mine." (j) The noun "mine" shall include any opening or excavation in, or working of, the ground for the purpose of winning, opening up or proving any mineral or mineral-bearing substance, and any ore body, mineral deposit, stratum, soil, rock, bed of earth, clay, gravel or cement, or
14a s. place

place where mining is or may be carried on, and all ways, works, machinery, plant, buildings and premises below or above ground, belonging to, or used in connection with the mine, and also for the purposes of Parts IX and X, any excavation or opening in the ground made for the purpose of searching for mineral, and any roast yard, smelting furnace, mill, work or place used for or in connection with crushing, reducing, smelting, refining or treating ore, mineral or mineral-bearing substance.

(k) The verb "mine" and the word "mining" shall include any mode or method of working whereby the soil or earth or any rock, stone or quartz may be disturbed, removed, washed, sifted, roasted, smelted, refined, crushed or dealt with for the purpose of obtaining any mineral therefrom, whether the same may have been previously disturbed or not, and also for the purposes of Parts IX and X of this Act all operations and workings mentioned in paragraph (j) of this section. 6 Edw. VII. c. 11, s. 2; 7 Edw. VII. c. 13, s. 2.

(l) "Mineral" or "Minerals" shall include coal, gas, oil and salt.

(m) "Mining lands" shall include lands and mining rights patented or leased under or by authority of any statute, regulation, or Order in Council, respecting mines, minerals or mining, and also lands or mining rights located, staked out, used or intended to be used for mining purposes.

(n) "Mining rights" shall mean the ores, mines and minerals on or under any land where the same are or have been dealt with separately from the surface.

(o) "Minister" shall mean the Minister or Acting Minister of Lands, Forests and Mines.

(p) "Owner" when used in Parts IX and X of this Act shall include every person, mining partnership, and company being the immediate proprietor or lessee or occupier of a mine, or of any part thereof, or of any lands located patented or leased as mining lands but shall not include a person, or a mining partnership or company receiving merely a royalty, rent or fine from a mine or mining lands, or being merely the proprietor of a mine or mining lands subject to a lease, grant or other authority for the working thereof, or the owner of the surface rights and not of the ore or minerals.

(r) "Patent" shall mean a grant from the Crown in fee simple or for any less estate made under the Great Seal.

(s) "Prescribed" shall mean prescribed by this Act or by Order in Council or by rule or regulation made under the authority of this Act.

(t)

- "Recorder." (t) "Recorder" shall mean the Mining Recorder of the Mining Division in which the lands in respect of which an act, matter or thing is to be done are situate.
- "Regulation." (u) "Regulation" shall mean a regulation made by the Lieutenant-Governor in Council under the authority of this Act.
- "Shaft." (v) "Shaft" shall include a pit.
- "Surface rights." (w) "Surface rights" shall mean lands granted, leased or located for agricultural or other purposes, the ores, minerals and mines whereof or under the surface whereof are reserved to the Crown.
- "Valuable mineral." (x) "Valuable mineral in place", shall mean a vein lode or deposit of mineral in place appearing at the time of discovery to be of such a nature and containing in the part thereof then exposed such kind and quantity of mineral or minerals in place, other than limestone, marble, clay, marl, peat or building stone, as to make it probable that the vein, lode or deposit is capable of being developed into a producing mine likely to be workable at a profit. 6 Edw. VII. c. 11, s. 2; 7 Edw. VII. c. 13, s. 3.

APPLICATION OF ACT.

Rights of applicants preserved.

3.—(1) Applicants for mining lands who had prior to the 14th day of May, 1906, complied with the provisions of Chapter 36 of *The Revised Statutes of Ontario, 1897*, or regulations thereunder respecting applications for such lands and whose applications were pending before the Department on the said date may prosecute their applications in the same manner and may acquire the same title to such lands as if *The Mines Act, 1906*, and this Act had not been passed. 6 Edw. VII. c. 11, s. 3 (3).

Sales, etc., for other purposes not affected.

(2) Nothing herein contained shall affect the sale, lease or location, for agricultural or other purposes, of any lands, opened for sale or free grant under *The Public Lands Act* or *The Free Grants and Homesteads Act*, or *The Rainy River Free Grants and Homesteads Act*, or any Act, Order in Council or Regulation respecting the sale and disposal of such lands. 6 Edw. VII. c. 11, s. 6.

BUREAU OF MINES.

Bureau of Mines,—Deputy Minister.

4. The Bureau of Mines established in connection with the Department, to aid in promoting the mining interests of the Province, shall be continued, and the Deputy Minister shall have charge thereof under the direction of the Minister. 6 Edw. VII. c. 11, s. 44.

Power of Deputy Minister.

5. The Deputy Minister shall have all the powers, rights and authority of an Inspector, and such other powers,

powers, rights and authority for carrying into effect the provisions of this Act as may be assigned to him by regulation. 6 Edw. VII. c. 11, s. 45.

PROVINCIAL GEOLOGIST, ASSAYER, AND INSPECTORS.

6.—(1) The Lieutenant-Governor in Council may appoint a Provincial Geologist, a Provincial Assayer and an Inspector or Inspectors, who shall be officers of the Bureau of Mines, and shall perform such duties as may be assigned to them by this Act or by regulation. 6 Edw. VII. c. 11, s. 47, 48, 49.

(2) The Provincial Geologist shall be *ex-officio* an Inspector.

MINING RECORDERS; THEIR DUTIES AND POWERS.

7. The Lieutenant-Governor may appoint for each Mining Division a Mining Recorder, who shall be an officer of the Bureau of Mines. 6 Edw. VII. c. 11, s. 51.

8. Every Recorder shall keep such books for the recording of mining claims, quarry claims and working permit applications and other entries therein as may be prescribed by the Minister, and such books shall be open to inspection by any person on payment of a fee of 10 cents for each claim or application examined. He shall also keep displayed in his office a map or maps showing the territory included in his Mining Division, and shall mark thereon all claims as they are recorded, and also all areas applied for under the provisions of this Act relating to working permits, and also all such areas, to be specially distinguished, in respect in which a working permit has been issued, and there shall be no charge for examining the map. 6 Edw. VII. c. 11, s. 55.

9. Every document filed in the Recorder's office shall, during office hours, be open to inspection by any one on payment of the prescribed fee. 6 Edw. VII. c. 11, s. 56.

10. Every copy of or extract from an entry in any of such books, and of any document filed in the Recorder's office, certified to be a true copy or extract by the Recorder, shall be received in any court as *prima facie* evidence of the matter certified by him without proof of his appointment, authority or signature. 6 Edw. VII. c. 11, s. 57.

EMPLOYMENT OF PROFESSORS, ETC.

11. Notwithstanding anything in *The Public Service Act* the Minister may employ any professor, instructor, or other person engaged in any educational or other institution to investigate the mineral resources of the Province or for

for any work in connection with this Act, and may pay him for such services at such rate as may be agreed upon, out of any moneys appropriated by the Legislature for that purpose. 6 Edw. VII. c. 11, s. 76 (2).

GENERAL PROVISIONS AS TO OFFICERS.

Officers not to be interested in Crown lands or mining claims.

12.—(1) No officer appointed under this Act shall directly or indirectly, by himself or by any other person, purchase or become interested in any Crown lands, mining rights or mining claims, and any such purchase or interest shall be void.

Penalty.

(2) Any officer offending against the provisions of subsection 1 shall forfeit his office and shall, in addition thereto, incur a penalty of \$500 for every such offence, to be recovered in any court of competent jurisdiction by any person who sues for the same. 6 Edw. VII. c. 11, s. 77.

Certain officers not to be subpoenaed without order of judge.

13.—(1) A subpoena shall not issue out of any court, requiring the attendance of the Deputy Minister, the Commissioner, the Provincial Geologist, the Provincial Assayer, or any Inspector, inspecting officer, or Recorder or the production of any document in their official custody or possession without an order of the court or a judge thereof, or in matters before the Commissioner without a direction of the Commissioner.

Officers not bound to disclose official information.

(2) The Deputy Minister, the Commissioner, the Provincial Geologist, the Provincial Assayer, and any Inspector, inspecting officer, or Recorder shall not be bound to disclose any information obtained by him in his official capacity which a member of the executive council certifies ought not in the public interest to be divulged or cannot without prejudice to the interests of persons not concerned in the litigation be divulged and all such information shall be privileged. (*New.*)

Ex-officio Justices of the Peace.

14. The Commissioner and every Inspector, shall be *ex-officio* a Justice of the Peace for every county and district in Ontario and a Recorder in his division shall be *ex-officio* a Justice of the Peace for the county or district in which any part of his Division lies; and it shall not be necessary that they shall possess any residential or proprietary qualification. 6 Edw. VII. c. 11, s. 42.

Constables may be appointed by Recorder

15.—(1) A Recorder may appoint any number of constables not exceeding four, who shall be constables and peace officers for the purposes of this Act, during the terms and within the Mining Division for which they are appointed. 6 Edw. VII. c. 11, s. 53.

(2) A constable so appointed shall be paid such fees and expenses as may be allowed by the Recorder, but such fees shall not exceed \$3 per day for the time certified by the Recorder. 6 Edw. VII. c. 11, s. 54.

Fees of constables.

MINING COMMISSIONER.

16.—(1) The Lieutenant-Governor in Council may, from time to time, appoint an officer, to be known as the Mining Commissioner, for the purposes of this Act, and all other Acts relating to mining.

Government may appoint Mining Commissioner.

(2) He shall be a barrister of at least ten years' standing at the bar of Ontario.

To be a barrister of ten years' standing.

(3) He shall not practice as a barrister or solicitor in any matter arising under this Act, or act in any capacity as a legal agent or adviser in any such matter. 6 Edw. VII. c. 11, s. 8 *part*.

Not to practise in mining matters.

MINING DIVISIONS.

17.—(1) The Lieutenant-Governor in Council may divide the Province into Mining Divisions and may alter the number, limits and extent thereof.

Mining Divisions—Province to be divided into.

(2) Every Order in Council made under this section shall be published in the *Ontario Gazette* and shall take effect from the date of the first publication thereof. 6 Edw. VII. c. 11, s. 79; 7 Edw. VII. c. 13, s. 26.

18. Except as in this Act otherwise specially provided the Recorder's office shall be the proper office for filing and recording all applications, documents and other instruments required or permitted to be filed or recorded under the provisions of this Act, affecting any unpatented mining claim or quarry claim or any right, privilege or interest which may be acquired under the provisions of this Act to or in respect of Crown lands or unpatented mining rights, and all such applications, documents and instruments may, before patent, be filed or recorded in the said office, but after patent, the provisions of *The Registry Act* and of *The Land Titles Act* shall respectively apply. 6 Edw. VII. c. 11, s. 80.

Recorder's office to be proper place for recording claims and documents.

19. Where any part of the Province is not included in a Mining Division, or if there is no Recorder for a Mining Division, all applications shall be made to the Bureau of Mines, and all duties and powers of the Recorder shall be performed and exercised by the Deputy Minister; and all acts, matters and things which in a Mining Division are to be done by or before a Recorder shall be done by or before the Deputy Minister, and all such acts, matters and things

Vacancy in office of Recorder.

R.S.B.C.,
c. 18, s. 104.

things which are to be done in the office of the Recorder shall be done at the Bureau of Mines. 6 Edw. VII. c. 11, s. 66; 7 Edw. VII. c. 13, s. 16.

Minister to
furnish Re-
corder with
list of lands
patented.

20. Upon the issue of a patent by the Crown of any mining lands or mining rights, the Minister shall give notice thereof to the Recorder of the Mining Division in which the lands included in the patent are situate, and the Recorder shall keep in his office a list of all such lands. (*See* 6 Edw. VII. c. 11, s. 82.)

SPECIAL MINING DIVISIONS.

Special Mining
Divisions.

21.—(1) The Lieutenant-Governor in Council may declare any locality to be a Special Mining Division.

(2) Every Order in Council made under this section shall be published in the *Ontario Gazette* and shall take effect from the date of the first publication thereof 6 Edw. VII. c. 11, s. 83.

LICENSES TO MINE AND LICENSE HOLDERS.

License
required.

22.—(1) No person, mining partnership or company not the holder of a miner's license shall prospect for minerals upon Crown lands or lands of which mining rights are in the Crown, or stake out, record or acquire any unpatented mining claim, quarry claim, or area of land for a working permit or for a boring permit, or acquire any right or interest therein. 6 Edw. VII. c. 11, s. 84; 7 Edw. VII. c. 13, s. 27.

Clerks or em-
ployees not to
require license

(2) A clerk or employee of a licensee performing clerical, manual or other services of like nature shall not be required to be the holder of a miner's license. 6 Edw. VII. c. 11, s. 95.

Who may
receive license.

23.—(1) Any person over eighteen years of age, any mining partnership and, subject to the provisions of subsection 6, any company incorporated or licensed under the laws of Ontario to transact business or hold lands in Ontario, shall be entitled on payment of the prescribed fee to obtain a miner's license. (Form 1.)

Date and term
of license.

(2) The license shall be dated on the day of the issue thereof and shall expire at midnight on the 31st day of March then next ensuing.

Effect of
license,—non-
transferable.

(3) The license shall be effectual throughout Ontario but shall not be transferable.

License to
companies

(4) Licenses to companies shall be issued only by the Minister or by the Deputy Minister.

(5)

(5) Licenses to individuals and to mining partnerships may be issued by the Minister or the Deputy Minister or by any Recorder. Who may issue licenses.

(6) A license shall not be issued to a company if it is incorporated under the laws of Ontario unless or until it has satisfied the Minister or the Deputy Minister that it is so incorporated, and if it is not so incorporated, unless or until it has filed with the Bureau of Mines a copy of the license authorizing the company to transact business or hold lands in Ontario verified by the affidavit (Form 2) of an officer of the company. 6 Edw. VII. c. 11, ss. 85, 86, 186. Proof required before license to company.

24. Every miner's license shall be numbered, and shall also be lettered with a letter of the alphabet prescribed by the Minister to indicate the office from which it was issued. 6 Edw. VII. c. 11, s. 90. Numbering and lettering of licenses.

25. A miner's license held by a mining partnership or a company shall not entitle any partner, shareholder, officer or employee thereof to the rights or privileges of a licensee. 6 Edw. VII. c. 11, s. 89. License may be issued to partnership or company.

26. A person who is not a licensee shall not prospect for minerals or stake out a mining claim, quarry claim, or area of mining land for the purpose of obtaining a working permit or boring permit on behalf of a mining partnership or a company. 7 Edw. VII. c. 13, s. 27. Unlicensed person not to act for partnership or company.

27.—(1) A licensee shall be entitled to a renewal of his license (Form 3) on production of his license before the expiration thereof and on payment of the prescribed fee. Renewal of license.

(2) The license may be renewed by the Minister or the Deputy Minister or by any Recorder. Who may issue renewal.

(3) The renewal shall bear date on the 1st day of April and shall be deemed to have been issued and shall take effect immediately upon the expiration of the license of which it is a renewal, or of the last preceding renewal as the case may be. 6 Edw. VII. c. 11, ss. 91, 92; 7 Edw. VII. c. 13, s. 28. Date and effect of renewal.

(4) The renewal shall bear the same number and letter as the original license and after it comes into effect it shall be deemed to be the license of the licensee. Form of.

28.—(1) If a miner's license is accidentally destroyed or lost, the holder may, on payment of the prescribed fee, obtain a duplicate thereof from the office out of which the original was issued. Accidental destruction or loss of license.

(2) Every such duplicate shall be marked "substituted license." 6 Edw. VII. c. 11, s. 93. R.S.B.C., c. 18, s. 7. Substituted license.

Not more than one license to be issued.

29.—(1) No person, mining partnership, or company shall apply for or hold more than one miner's license.

(2) A contravention of this section shall be an offence against this Act. 6 Edw. VII. c. 11, s. 94.

License to be produced and proof of validity furnished.

30. Every licensee shall upon demand produce and exhibit his license to an Inspector or a Recorder. 6 Edw. VII. c. 11, s. 96.

License to date from application therefor.

31. Where application for a license or a renewal of a license is made during the absence of a Recorder from his office, the applicant may leave with the person in charge of the office his application and such documents as he is required to produce in order to obtain the license or renewal and the prescribed fee, and in every such case the license or renewal when issued shall be as effective as if obtained at the time of the application, and the license shall bear that date. 7 Edw. VII. c. 11, s. 97.

R.S.B.C. c. 18, s. 6.

Licensee under twenty-one years of age.

32. A licensee under the age of twenty-one years shall, in respect of mining claims, mining lands and mining rights and all matters and transactions relating thereto, have the same rights and be subject to the same obligations and liabilities as if he were of full age. 6 Edw. VII. c. 11, s. 87.

Revocation of license for violation of Act.

33. The Minister, on the recommendation of the Commissioner, may revoke the license of any licensee who is guilty of a wilful contravention of any of the provisions of this Act, and a license shall not thereafter be issued to such licensee without the authority of the Minister. (*New.*)

PART II.—MINING CLAIMS.—MINERAL IN PLACE.

WHAT LANDS OPEN.

Where licensee may prospect for minerals.

34. Subject to the provisions herein contained, the holder of a miner's license may prospect for minerals and stake out a mining claim on any:—

(a) Crown lands surveyed or unsurveyed;

(b) Lands, the mines, minerals or mining rights whereof have been reserved by the Crown in the location, sale, patent or lease of such lands;

not at the time:—

(i) Under staking or record as a mining claim which has not lapsed or been abandoned, cancelled or forfeited;

(ii) Under a subsisting working permit; or

(iii)

(iii) Withdrawn by any Act, Order-in-Council or other competent authority from prospecting, location or sale, or declared by any such authority to be not open to prospecting, staking out or sale as mining claims. 6 Edw. VII. c. 11, s. 131; 7 Edw. VII. c. 13, s. 34.

DISCOVERER MAY STAKE OUT A CLAIM.

35. A licensee who discovers valuable mineral in place on any lands open to prospecting, or a licensee upon whose behalf valuable mineral in place is discovered by another licensee upon any such lands, may stake out or have staked out for him a mining claim thereon, and, subject to the other provisions of this Act, may work the same and transfer his interest therein to another licensee; but where the surface rights in the lands have been granted, sold, leased, or located by the Crown compensation must be made as provided in section 104. 7 Edw. VII. c. 13, s. 35.

LANDS NOT OPEN.

36. No mining claim shall be staked out or recorded upon any land transferred to or vested in The Temiskaming and Northern Ontario Railway Commission, without the consent of the Commission, nor except with the consent of the Minister upon any land:—

- (a) Reserved or set apart as a town site by the Crown;
- (b) Laid out into town or village lots on a registered plan by the owner thereof;
- (c) Forming the station grounds, switching ground, yard or right of way of any railway, electric railway or street railway, or upon any colonization or other road or road allowance. (See 6 Edw. VII. c. 11, s. 109.)

37.—(1) Notwithstanding that the mines or minerals therein have been reserved to the Crown, no person, mining partnership or company shall prospect for minerals upon that part of any lot used as a garden, orchard, vineyard, nursery, plantation or pleasure ground, or upon which crops which may be damaged by such prospecting are growing, or on that part of any lot upon which is situated any spring, artificial reservoir, dam or waterworks, or any dwelling house, out-house, manufactory, public building, church or cemetery, except with the consent of the owner, lessee or locatee of the surface rights, or by order of the Recorder or the Commissioner, and upon such terms as to him may seem just. 6 Edw. VII. c. 11, s. 121.

(2) If any dispute arises between the intending prospector and the owner, lessee or locatee as to land which is exempt

exempt from prospecting under subsection 1, the Recorder or the Commissioner shall determine the extent of the land which is so exempt. (*New.*)

Valuable water powers not included in claim.

38. A water power, lying within the limits of a mining claim, which at low water mark, in its natural condition, is capable of producing 150 horse power or upwards, shall not be deemed to be part of the claim for the uses of the licensee, and a road allowance of one chain in width shall be reserved on both sides of the water together with such additional area of land as in the opinion of the Recorder or the Commissioner may be necessary for the development and utilization of such water power. 6 Edw. VII. c. 11, s. 155.

Withdrawal of lands and mining rights from prospecting and sale.

39.—(1) The Lieutenant-Governor in Council may withdraw any lands or mining rights the property of the Crown from prospecting and staking out and from sale or lease. 6 Edw. VII. c. 11, s. 98.

Re-opening lands for prospecting after withdrawal.

(2) The Lieutenant-Governor in Council may re-open for prospecting and staking out and for sale or lease any lands or mining rights so withdrawn, or which have been heretofore withdrawn. 6 Edw. VII. c. 11, s. 99.

Proviso.

40. The Lieutenant-Governor in Council may direct that the mines and minerals in lands or mining rights so withdrawn or in any part thereof may be worked by or on behalf of the Crown under and pursuant to regulations to be made by the Minister. 6 Edw. VII. c. 11, s. 100.

Lands withdrawn not to be prospected or worked.

41. Lands or mining rights so withdrawn, until re-opened by Order-in-Council, shall remain withdrawn, and shall not be prospected, staked out, occupied or worked except by or on behalf of the Crown. 6 Edw. VII. c. 11, s. 101.

Officers staking out claims on behalf of the Crown.

42.—(1) Every officer appointed or acting under the provisions of this Act, and every assistant of such officer who makes a discovery of valuable mineral upon any lands or mining rights, open to prospecting and staking out as a mining claim, shall stake out and record a parcel thereof of the size and form of a mining claim on behalf of the Crown, and no license shall be required for that purpose.

(2) No proceeding shall be necessary for such staking out except to plant posts and blaze lines as provided in respect to a mining claim, but the officer or assistant shall mark upon the discovery post and No. 1 post the words "staked out for the Crown," and within the time limited by this Act for recording the claim shall notify the Recorder of the staking out, giving the date of staking out and the description of the property.

(3) The Recorder upon receiving such notice shall enter the parcel of land upon his record book as staked out on behalf of the Crown, and shall mark it upon his map with the letter "C," and after such staking out the parcel shall not be open to staking out or recording. 7 Edw. VII. c. 13, s. 29.

43. Lands or mining rights staked out on behalf of the Crown, and lands or mining rights reserved or withdrawn from prospecting, staking out, or sale as mining claims, may be worked, sold, leased or granted by the Crown or worked under an agreement or arrangement with the Crown in such manner and upon such terms and conditions and for such price as may be provided by Order-in-Council; and all sales, leases, grants or working agreements heretofore made in respect of any such lands or mining rights are hereby ratified and confirmed. 7 Edw. VII. c. 13, s. 29.

Crown may contract for working mining rights under agreement.

FOREST RESERVES.

44. No person, mining partnership or company, not the holder of a miner's license, shall use or occupy any of the lands in a Crown Forest Reserve, or prospect for minerals or conduct mining operations therein, and no licensee shall use or occupy any of the lands in a Crown Forest Reserve or prospect for minerals or conduct mining operations therein, except in accordance with regulations made under *The Forest Reserves Act*. 6 Edw. VII. c. 11, s. 104.

Protection of Forest Reserves.

45. No lands shall be sold for mining purposes in a Crown Forest Reserve. 6 Edw. VII. c. 11, s. 174 (2).

Mining lands not to be sold on Forest Reserve.

46.—(1) A lease of lands in a Crown Forest Reserve permitting mining operations therein may be made for a period not exceeding ten years with the right of perpetual renewal for periods of not more than ten years.

Mining leases on Forest Reserves.

(2) Every such lease and every renewal of it shall be subject to such regulations as may from time to time be made by the Lieutenant-Governor in Council. 6 Edw. VII. c. 11, s. 105.

LANDS UNDER TIMBER LICENSE.

47. Except as herein otherwise provided, the holder of a miner's license may prospect for minerals on any Crown lands under timber license under and subject to the following provisions:

Conditions under which exploration may be allowed on timber berths.

1. Upon the discovery of valuable mineral in place on any Crown lands under timber license the holder of a miner's license may stake out and record a mining claim thereon, and the Recorder within three days after the application

application for record shall notify the Minister thereof and the Minister shall thereupon notify the timber licensee.

2. The provisions of this Act with reference to mining operations on the mining claim shall be suspended until it has been decided by the Minister whether mining operations shall be permitted to be carried on, and if the Minister decides that mining operations may be carried on, the time for the performance of the working conditions shall begin on the day fixed by the Minister, of which date notice shall be given to the Recorder and the mining licensee.

3. The Minister may impose such restrictions and limitations as in his judgment may be necessary to protect the interests of the Crown and of all persons concerned.

4. The Lieutenant-Governor in Council may make regulations regarding the carrying on of mining operations on Crown Lands under timber license, but the provisions of subsection 3 of section 187 shall apply to such regulations.

5. The rights conferred upon the holder of a miner's license under this section shall be subject to the payment to the timber licensee of the value of his interest in any timber cut or damaged upon such mining claim, and any dispute between the mining licensee and the timber licensee in respect to the quantity or the value thereof or otherwise shall be disposed of by the Minister, whose decision shall be final. 6 Edw. VII. c. 11, s. 130.

PROHIBITING MINING WORK.

Minister may
prohibit
mining on
timber lands.

48. The Minister, whenever he deems it necessary for the protection of timber or for any other reason may prohibit the carrying on upon Crown lands of mining work or other operations which would otherwise be lawful under this Act until such time and except in accordance with such restrictions and conditions as he may deem proper. (*New.*)

SIZE AND FORM OF MINING CLAIMS.

Lines how to
be run.

49. A mining claim in unsurveyed territory shall be laid out with boundary lines running north and south and east and west astronomically and the measurements thereof shall be horizontal, and in a township surveyed into lots or quarter sections or subdivisions of a section, a mining claim shall be such part of a lot or quarter section or subdivision of a section as is hereinafter defined, and the boundaries of all mining claims shall extend downwards vertically on all sides. 6 Edw. VII. c. 11, s. 108.

Mining

*Mining Claims not in a Special Mining Division.***50.** Except in a Special Mining Division,

- (a) A mining claim in unsurveyed territory shall be a Size and form of claim. square of 40 acres, being 20 chains (1,320 ft.) on each side.
- (b) Where mining locations the property of the Crown Mining locations heretofore surveyed in unsurveyed territory. in unsurveyed territory have been surveyed in conformity with any Act into blocks of the following dimensions, namely, 20 chains in length by 20 chains in width, 40 chains in length by 20 chains in width, 40 chains square, or 80 chains in length by 40 chains in width, or thereabouts, and the plans and field notes of such locations are of record in the Department, a mining claim staked out thereon shall be 20 chains in length by 20 chains in width, and one claim shall comprise the whole of a location 20 chains square. A location 40 chains in length by 20 chains in width may be divided into two mining claims by a line drawn through the centre thereof parallel to one of the shorter boundaries. In the case of a location 40 chains square a claim shall consist of one or other of the following subdivisions: the northeast quarter, the northwest quarter, the southeast quarter, or the southwest quarter. In a location 80 chains in length by 40 chains in width where the length of the location is north and south, a claim shall consist of the northeast quarter of the north half, the northwest quarter of the north half, the southeast quarter of the north half or any like subdivision of the south half; and where the length of a location is east and west a claim shall consist of the northeast quarter of the east half, the northwest quarter of the east half, the southeast quarter of the east half, or the southwest quarter of the east half, or any like subdivision of the west half. 6 Edw. VII. c. 11, s. 115.
- (c) In a township surveyed into sections of 640 acres In townships surveyed into sections of 640 acres. subdivided into quarter sections, or subdivisions containing 160 acres or thereabouts, a mining claim shall consist of the northeast quarter, the northwest quarter, the southeast quarter or the southwest quarter of a quarter section or subdivision, and shall contain 40 acres or thereabouts. 6 Edw. VII. c. 11, s. 111.
- (d) In a township surveyed into lots of 320 acres, a Townships surveyed into lots of 320 acres. mining claim shall consist of the northwest quarter of the north half, the northeast quarter
of

of the north half, the southwest quarter of the north half, the southeast quarter of the north half, or any like subdivision of the south half, and shall contain 40 acres or thereabouts. 6 Edw. VII. c. 11, s. 112.

Townships surveyed into lots of 200 acres

- (e) In a township surveyed into lots of 200 acres a mining claim shall consist of the northeast quarter, the southwest quarter the northwest quarter or the southeast quarter of the lot, and shall contain 50 acres or thereabouts. 6 Edw. VII. c. 11, s. 113.

Townships surveyed into lots of 150 acres.

- (f) In a township surveyed into lots of 150 acres, a mining claim shall consist of the northeast quarter, the southeast quarter, the northwest quarter, or the southwest quarter of the lot, and shall contain $37\frac{1}{2}$ acres or thereabouts. (*New.*)

Townships surveyed into lots of 100 acres.

- (g) In a township surveyed into lots of 100 acres, a mining claim shall consist of the north half, the south half, the east half, or the west half of the lot, and shall contain 50 acres, or thereabouts. 6 Edw. VII. c. 11, s. 114.

Claims in Special Mining Division.

51. In a Special Mining Division,

In unsurveyed territory.

- (a) A mining claim in unsurveyed territory shall be a rectangle of 20 acres, having a length from north to south of 20 chains (1,320 ft.) and a width from east to west of 10 chains (660 ft.) 6 Edw. VII. c. 11, s. 127.

Special mining claims on mining locations heretofore surveyed in unsurveyed territory.

- (b) Where mining locations the property of the Crown in unsurveyed territory have heretofore been surveyed in conformity with the provisions of any Act into blocks of the following dimensions, namely, 20 chains in length by 20 chains in width, 40 chains in length by 20 chains in width, 40 chains square, or 80 chains in length by 40 chains in width, or thereabouts, and the plans and field notes of such locations are of record in the Department, a mining claim staked out thereon shall consist of the east half or the west half of a location 20 chains square, or the north-east quarter, the south-east quarter, the north-west quarter, or the south-west quarter of a location 40 chains in length by 20 chains in width; or the west half or the east half of any of the following subdivisions of a location 40 chains square, namely, the north-east

east quarter, the north-west quarter, the south-east quarter, or the south-west quarter; or the north-east quarter of the north-east quarter, the north-west quarter of the north-east quarter, the south-east quarter of the north-east quarter, or the south-west quarter of the north-east quarter, or any like subdivision of the south-east quarter, the south-west quarter, or the north-west quarter of a location 80 chains in length by 40 chains in width, or where the length of such location is east and west, of the east half or the west half of the north-east quarter of the east half, the east half or the west half of the south-east quarter of the east half, the east half or the west half of the north-west quarter of the east half, or the east half or the west half of the south-west quarter of the east half or of a corresponding subdivision of the west half of the location, and every such mining claim shall contain 20 acres or thereabouts. 6 Edw. VII. c. 11, s. 128.

- (c) In a township surveyed into sections of 640 acres, where the sections have been subdivided into quarter sections, or subdivisions a mining claim shall consist of either the west half or the east half of the northeast quarter, the south-east quarter, the northwest quarter or the south-west quarter of a quarter section or subdivision, and shall contain 20 acres or thereabouts. 6 Edw. VII. c. 11, s. 123. In township surveyed into sections of 64 acres.
- (d) In a township surveyed into lots of 320 acres, a mining claim shall consist of the north-east quarter of the north-east quarter, the north-west quarter of the north-east quarter, the south-east quarter of the north-east quarter, or the south-west quarter of the north-east quarter, or any like subdivision of the south-east quarter, the south-west quarter, or the north-west quarter of the lot, and shall contain 20 acres or thereabouts. 6 Edw. VII. c. 11, s. 124. In townships surveyed into lots of 320 acres.
- (e) In a township surveyed into lots of 200 acres, a mining claim where the side lines of the lots run northerly and southerly, shall consist of the northeast quarter of the north half, the southeast quarter of the north half, the northwest quarter of the north half, the southwest quarter of the north half, or any like subdivision of the south half; and where the side lines of the lots run easterly and westerly, the mining claim shall consist of the northeast quarter of In townships surveyed into lots of 200 acres. the

the east half, the northwest quarter of the east half, the southeast quarter of the east half, the southwest quarter of the east half, or any like subdivision of the west half, and every such mining claim shall contain 25 acres or thereabouts. 6 Edw. VII. c. 11, s. 125.

In townships surveyed into lots of 150 acres.

(f) In a township surveyed into lots of 150 acres a mining claim shall consist of the north half or the south half of the north-east quarter, the north-west quarter, the south-east quarter or the south-west quarter of the lot, and shall contain $18\frac{3}{4}$ acres or thereabouts.

In townships surveyed into lots of 100 acres.

(g) In a township surveyed into lots of 100 acres, a mining claim shall consist of the north-east quarter, the south-east quarter, the north-west quarter, or the south-west quarter of a lot, and shall contain 25 acres or thereabouts. 6 Edw. VII. c. 11, s. 126.

IRREGULAR AREAS, ETC.

Marking boundaries of irregular areas in unsurveyed territory.

52.—(1) In unsurveyed territory an irregular portion of land lying between lands not open to be staked out, or bordering on water, may be staked out with boundaries coterminous thereto, but the claim shall be made to conform as nearly as practicable to the prescribed form and area and shall not exceed the prescribed area.

In surveyed townships.

(2) In a surveyed township where, by reason of land covered with water being excluded from the area of a lot, quarter-section or subdivision of a section, or by reason of the lot, quarter-section or subdivision being irregular in form, or from any other cause, it is impossible to stake out a mining claim of the prescribed area in accordance with the foregoing provisions of this Act, the mining claim where practicable shall be of the prescribed form and area and shall have such, if any, of its boundaries as can be so made coincident with boundary lines of the lot, quarter-section or subdivision of a section, and shall have as many as possible of its boundaries which are not so coincident parallel to boundaries of the lot, quarter-section or subdivision which are straight lines, and where necessary to procure the prescribed area the mining claim may extend into any part of the lot or quarter-section or subdivision of a section, but not into any other lot or quarter-section or subdivision of a section, and land lying between lands not open to be staked out or between such lands and a boundary or boundaries of the lot, quarter-section or subdivision of a section, may be staked out with boundaries coterminous thereto, but the claim shall be made to conform as nearly as practicable to the prescribed form and area and shall not exceed the prescribed area.

NUMBER OF CLAIMS WHICH MAY BE STAKED OUT.

53. Not more than three mining claims may be staked out, applied for, or recorded in the name of a licensee in any one mining division or in territory not comprised in a mining division during a license year. 7 Edw. VII. c. 13, s. 37.

Number of
claims which
one licensee
may record.

STAKING OUT CLAIMS.

54.—(1) A mining claim shall be staked out by:—

Staking out and
planting.

(a) Planting or erecting upon an outcropping or showing of mineral in place at the point of discovery a discovery post upon which shall be written or placed the name of the licensee making the discovery, the letter and number of his license, and the date of his discovery, and if the discovery is made on behalf of another licensee for and in whose name the claim is to be staked out and recorded, also the name of such other licensee, and the letter and number of his license;

Discovery
posts.

(b) Planting or erecting a post at each of the four corners of the claim, marking that at the northeast corner "No. 1," that at the southeast corner "No. 2," that at the southwest corner "No. 3," and that at the northwest corner "No. 4," so that the number shall be on the side of the post toward the post next following it in the order named;

Corner posts.

(c) Writing or placing on No. 1 post all the particulars required to be upon the discovery post, and also plainly marking thereon the distance and direction therefrom of the discovery post, and if the claim is situated in a township surveyed into lots, quarter sections or subdivisions of a section, the part thereof comprised in the claim, mentioning the lot and concession or the section by number;

Particulars on
No. 1 post.

(d) Writing or placing on No. 2, No. 3 and No. 4 posts the name of the licensee making the discovery, and if the discovery is made on behalf of another licensee for and in whose name the claim is being staked out, also the name of such other licensee; and

Marking name
of licensee, etc.

(e) Plainly blazing the trees on two sides only where there are standing trees, and cutting the underbrush along the boundary lines of the claim and plainly blazing a line from No. 1 post to the discovery post, or where there are no standing trees.

Marking
boundaries
and blazing or
picketing.

trees, clearly indicating the outlines of the claim, and marking a line from No. 1 post to the discovery post by planting durable pickets, not less than five feet in height thereon at intervals of not more than two chains (132 feet) or by erecting at such intervals monuments of earth or rock not less than two feet in diameter at the base, and at least two feet high, so that the lines may be distinctly seen.

Witness post.

(2) Where at a corner of the claim the nature or conformation of the ground renders the planting or erecting of a post impracticable, such corner may be indicated by planting or erecting at the nearest practicable point a witness post which shall bear the same marking as that prescribed for the corner post at that corner together with the letters "W.P." and an indication of the direction and distance of the site of the true corner from the witness post. 7 Edw. VII. c. 13, s. 36.

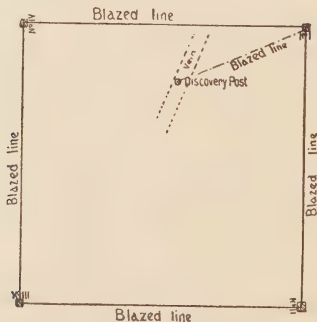
Mode of planting, squaring, etc., of posts.

(3) Every post shall stand not less than four feet above the ground, and shall be squared or faced on four sides for at least one foot from the top, and each side shall measure at least four inches across where squared or faced, but a standing stump or tree may be used as a post if cut off and squared and faced to such height and size, and when the survey is made the centre of the tree or stump where it enters the ground shall be taken as the point to or from which the measurement shall be made.

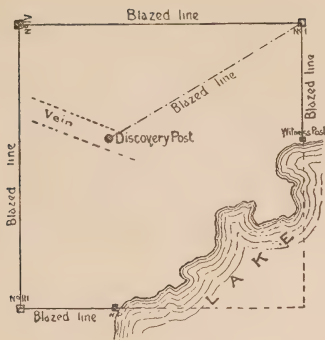
Form of claim.

(4) The following diagrams are intended to illustrate the method of staking out a claim as mentioned in subsections 1 and 2. (*New*)

No. 1.



No. 2.



55. After a discovery of valuable mineral in place, the licensee, if he desires to stake out a claim thereon, shall at once plant or erect his discovery post and proceed as quickly as is reasonably possible to complete the staking out of the claim, and if he is in fact the first licensee to make a discovery of valuable mineral in place and plant a discovery post thereon no other licensee shall be entitled to stake out or interfere with the property while he is so completing the staking out, but if he fails to proceed with the staking out with such diligence and speed, he shall be liable to lose his rights in case another licensee makes a discovery of valuable mineral in place upon the property and completes the staking out before him. 7 Edw. VII. c. 13, s. 36.

56.—(1) Until a discovery post is planted or erected all licensees shall have equal rights upon lands open to prospecting, except that where a licensee has found what he believes to be a vein or deposit of mineral or to be an indication thereof, he may plant or erect not more than 150 feet apart two pickets, at least four feet in height, to be known as prospecting pickets, each marked with the letters "P.P." and his name and license number and letter, and may dig a trench not less than six feet long and six inches deep from each of such pickets along the line running towards the other picket, or where that is impracticable may erect a monument of rock or earth not less than two feet wide at the base and at least two feet high, extending six feet from each picket towards the other picket, and may also blaze the standing trees, if any, along the line between the pickets, and after he has so done, so long as he is diligently and continuously prospecting or following up indications on

Staking promptly after discovery.

Prospecting pickets:

the

the block of land extending twenty-five feet on each side of a straight line between the pickets he shall be entitled to the exclusive right to prospect and to make a discovery thereon.

Not to prevent other licensee from staking out claim.

(2) Nothing in subsection 1 shall prevent any other licensee from prospecting anywhere outside the limits of such block of land, and the first licensee to discover valuable mineral in place and stake out a mining claim thereon shall, subject to the other provisions of this Act, be entitled to the claim, and if the claim includes such block of land the rights of such picketing licensee shall cease.

Licensee not to have more than one block picketed.

(3) A licensee shall not have more than one block of land picketed at one time, and if he has at any time more than one all his picketings shall be void. 7 Edw. VII. c. 13, s. 36.

Forfeiture of right to further staking.

57.—(1) A licensee or other person who for any purpose does any staking out or plants, erects or places any stake, post, or marking upon any lands open to prospecting except as authorized by this Act, or causes or procures the same to be done, or who stakes out or partially stakes out any such lands, or causes or procures the same to be done, and fails to record the staking out with the Recorder within the prescribed time, shall not thereafter be entitled to again stake out such lands or any part thereof, or to record a mining claim thereon, unless he notifies the Recorder in writing of such staking out, partial staking out, or planting, placing or marking and of his abandonment thereof and satisfies the Recorder by affidavit that he acted in good faith and for no improper purpose and pays to the Recorder a fee of \$20 and procures from him a certificate stating that the Recorder is satisfied that he so acted. 7 Edw. VII. c. 13, s. 36.

Entry of certificate of forfeiture.

(2) The Recorder shall enter every such certificate in his books with the date of its issue.

Substantial compliance with Act sufficient.

58. Substantial compliance as nearly as circumstances will reasonably permit with the requirements of this Act as to the staking out of mining claims shall be sufficient. 6 Edw. VII. c. 11, s. 137.

RECORDING MINING CLAIMS.

Plan and application to be furnished to Recorder by licensee, staking out claim.

59.—(1) A licensee who has staked out a mining claim or upon whose behalf a mining claim has been staked out shall, within fifteen days thereafter or within the further time allowed by subsection 4, furnish to the Recorder an outline sketch or plan of the mining claim, showing the discovery post and corner posts and the witness posts (if any) and their distance from each other in feet, together with an application (Form 4) setting forth the name of the licensee

licensee by whom the valuable mineral in place was discovered and of the licensee on whose behalf the application is made and the letters and numbers of their licenses, the name if any of the claim, and in the case of unsurveyed territory its locality indicated by some general description and such other information as will enable the Recorder to lay down the claim on his office map, or in the case of a surveyed township, designating the lot, quarter section or subdivision of a section, and the portion thereof comprised in the claim, the length of the outlines, and if for any reason they are not regular the nature of such reason, the situation of the discovery post as indicated by the distance and direction from No. 1 post, the day and hour when the discovery of valuable mineral in place was made, when the claim was staked out and the date of the application, and with the application shall be paid the prescribed fee.

(2) If a licensee claims to be entitled to a free grant of a mining claim under section 108, he shall, in addition to the application to record the claim, make application (Form 5) for the free grant. 6 Edw. VII. c. 11, s. 156; 7 Edw. VII. c. 13, s. 43. Application for free grant.

(3) The application and sketch or plan shall be accompanied by an affidavit (Form 6) made by the discovering licensee showing a discovery of valuable mineral in place upon the claim, with particulars of the kind of ore or mineral discovered, and, if possible, the kind of rock enclosing it, the date of the discovery and of the staking out, that the distances given in the application and sketch or plan are as accurate as they could reasonably be ascertained, and that all the other statements and particulars set forth and shown in the application and sketch or plan are true and correct, that at the time of staking out there was nothing upon the lands to indicate that they were not open to be staked out as a mining claim, that the deponent verily believes they were so open and that the staking out is valid and should be recorded, and that there are upon the lands or the lot or part lot or section of which they form a part no buildings, clearing or improvements for farming or other purposes except as set forth in the affidavit; and an applicant for a free grant shall also file an affidavit (Form 7) showing his right thereto. (See 6 Edw. VII. c. 11, s. 157; 7 Edw. VII. c. 13, s. 44.) Affidavit to accompany map, etc.

(4) Where the claim is situate more than ten miles in a straight line from the office of the Recorder for each additional ten miles or fraction thereof an additional day shall be allowed for recording. 6 Edw. VII. c. 11, s. 158. Additional time allowed in consideration of distance.

60. A licensee by or on whose behalf an application is made to record a mining claim shall at the time of the application produce the license of the licensee by whom the staking License to be marked as claims recorded.

staking out was done and of the licensee by or on whose behalf the application is made to the Recorder, and the Recorder shall endorse and sign upon the back of the last mentioned license a note in writing of the record of the claim, and no such record shall be complete or effective until such endorsement is made unless upon application to or in any case coming before the Commissioner he deems it just that compliance with the requirements of this section should be excused. 6 Edw. VII. c. 11, s. 59; 7 Edw. VII. c. 13, s. 14.

Licensee recording in another division by error.

61. If by error a licensee records a mining claim in a division other than that in which the claim is situate the error shall not affect his title to the claim, but he shall within fifteen days from the discovery of the error record the claim in the division in which it is situate, and the new record shall bear the date of the former record, and a note shall be made thereon of the error and of the date of rectification. 6 Edw. VII. c. 11, s. 81.

What claim to be recorded.

62.—(1) The Recorder shall forthwith enter in the proper book in his office the particulars of every application to record a mining claim which he deems to be in accordance with the provisions of this Act, unless a prior application is already recorded for the same, or for any substantial portion of the same lands or mining rights, and he shall file the application, sketch or plan and affidavit with the records of his office; and every application proper to be recorded shall be deemed to be recorded when it is received in the Recorder's office, if all requirements for recording have been complied with, notwithstanding that the application may not have been immediately entered in the record book.

Procedure when refused.

(2) If an application is presented which the Recorder deems to be not in accordance with this Act, or which is for lands or mining rights which or any substantial portion of which are included in a subsisting recorded claim, he shall not record the application, but shall, if desired by the applicant, upon receiving the prescribed fee, receive and file the application, and the applicant may appeal to the Commissioner against the Recorder's refusal to record: but such filing shall not be deemed a dispute of the recorded claim, nor shall it be noted or dealt with as such, unless a dispute verified by affidavit is filed with the Recorder by the applicant or by another licensee on his behalf as in the next following section provided. 7 Edw. VII. c. 13, s. 13, *part*.

DISPUTING APPLICATIONS.

Dispute of recorded claim.

63.—(1) A dispute (Form 8) verified by affidavit (Form 9) may be filed with the Recorder by a licensee alleging that any recorded claim is illegal or invalid in whole or in

in part, and if the disputant or the licensee in whose behalf he is acting claims to be entitled to be recorded for or to be entitled to any right or interest in the lands or mining rights, or in any part thereof comprised in the disputed claim the dispute shall so state, giving particulars; and the Recorder shall, upon payment of the prescribed fee, receive and file such dispute, and shall enter a note thereof upon the record of the disputed claim.

(2) A copy of the dispute and affidavit shall be left by the disputant with the Recorder who shall not later than the next day after the filing of the dispute transmit such copy by registered post to the recorded holder of the mining claim affected thereby. If the copy is not left, the Recorder may refuse to file or note the dispute or may collect from the disputant ten cents per folio for making the copy.

Not to be
received after
certificate
issued.

(3) A dispute shall not be received unless it contains or has endorsed thereon an address for service at some place not more than five miles distant from the Recorder's office, and the provisions of subsections 4 and 5 of section 133 shall apply in respect to service upon the disputant. 7 Edw. VII. c. 13, s. 13, *part*.

(4) A dispute shall not be received or entered against any claim after a certificate of record thereof has been granted.

CERTIFICATE OF RECORD.

64. Where a mining claim not within a Complete Inspection Area has been recorded for sixty days and the alleged discovery has not been adversely reported upon by the inspecting officer, or where a mining claim within a complete inspection area has been recorded for sixty days, and the discovery upon which it is based has been inspected and finally allowed, upon application of the holder of the claim, and if there is no dispute standing against the claim and the surface rights compensation, if any, has been paid or secured, the Recorder, unless by reason of an order, pending proceeding or other special matter or thing it would be improper to do so, shall give to such holder a certificate of record (Form 10), or if a portion of the claim is unaffected by any of the matters aforesaid he may, if he deems proper, give a certificate of record as to such portion. 7 Edw. VII. c. 13, s. 13, *part*.

Granting cer-
tificate of
record.

65. The certificate of record, in the absence of mistake or fraud, shall be final and conclusive evidence of the performance of all the requirements of this Act, except working conditions, in respect to the mining claim up to the date of the certificate; and thereafter the mining claim shall not in the absence of mistake or fraud be liable to impeachment

Effect of issue
and delivery
of certificate of
issue.

peachment or forfeiture except as expressly provided by this Act. 6 Edw. VII. c. 11, s. 71; 7 Edw. VII. c. 13, s. 22.

Cancelling
certificate of
record issued
by mistake,
etc.

66. Where the certificate of record has been issued in mistake or has been obtained by fraud, the Commissioner shall have power to revoke and cancel it on the application of the Crown or an officer of the Bureau of Mines, or of any person interested.

EXTENT OF RIGHTS IN MINING CLAIMS.

Discovery
of valuable
mineral neces-
sary to valid
claim.

67. Subject to the provisions of section 65, a licensee shall not acquire any right to or interest in a mining claim unless a discovery of valuable mineral in place has been made thereon by him or by another licensee on his behalf. 6 Edw. VII. c. 11, s. 117; 7 Edw. VII. c. 13, s. 31.

Rights in
claim.

68. The staking out or the filing of an application for, or the recording of a mining claim, or all or any of such acts, shall not confer upon a licensee any right, title, interest or claim in or to the mining claim, other than the right to proceed, as in this Act provided to obtain a certificate of record and a patent from the Crown; and prior to the issue of a certificate of record the licensee shall be merely a licensee of the Crown, and after the issue of the certificate and until he obtains a patent he shall be a tenant at will of the Crown in respect of the mining claim. 7 Edw. VII. c. 13, s. 38.

ADDRESS FOR SERVICE.

Address for
service to be on
application
for claim, etc.

69.—(1) Every application for a mining claim or a working permit and every other application and every transfer or assignment of a mining claim or of any right or interest acquired under the provisions of this Act shall contain, or have endorsed thereon, the place of residence and post office address of the applicant, transferee or assignee, and also, when he is not a resident in Ontario, the name, residence and post office address of some person resident in Ontario upon whom service may be made.

Application,
etc., must
contain
address.

(2) No such application, transfer or assignment shall be filed or recorded unless it conforms with the provisions of the next preceding subsection.

Substituting
new agent for
service.

(3) Another person resident in Ontario may be substituted as the person upon whom service may be made by filing in the office in which any such application, transfer or assignment is filed or recorded, a memorandum setting forth the name, residence and post office address of such other person, and such substitution may be made from time to time as occasion may require.

(4) Service upon the person named as the person upon whom service may be made, unless another person has been substituted for him under the provisions of subsection 3, and in case of such substitution upon the person substituted shall have the same effect as service upon the person whom he represents. Service upon agent to be sufficient

(5) The provisions of the next preceding subsection shall apply to every notice, demand or proceeding in any way relating to a mining claim or to mining rights or to any other right or interest which may be acquired under the provisions of this Act. (*New*). General application of section.

TRUSTS, AGREEMENTS AND TRANSFERS.

70.—(1) Notice of a trust, express, implied or constructive, relating to any unpatented mining claim shall not be entered on the record or be received by a Recorder. Mining Recorder not to record any claim "in trust."

(2) Describing the holder of the mining claim as a trustee, whether the beneficiary or object of the trust is mentioned or not, shall not impose upon any person dealing with such holder, the duty of making any enquiry as to his power to deal therewith, but the holder may deal with the claim as if such description had not been inserted. Describing licensee as trustee, etc., effect of.

(3) Nothing in this section contained shall relieve the holder of the mining claim who is in fact a trustee thereof or of any part or share thereof or interest therein, from liability as between himself and any person, mining partnership or company for whom he is a trustee, but such liability shall continue as if this section had not been enacted, nor shall any provision in this Act relieve the holder from any personal liability or obligation. 6 Edw. VII. c. 11, s. 159; 7 Edw. VII. c. 13, s. 45. Proviso.

71.—(1) No person shall be entitled to enforce any claim, right or interest, contracted for or acquired before the staking out, to or in or under any staking out or recording of a mining claim or of any mining lands or mining rights done in the name of another person unless the fact that such first-mentioned person is so entitled is made to appear by a writing signed by the holder of the claim or by the licensee by whom or in whose name the staking out or recording was done or the evidence of such first-mentioned person is corroborated by some other material evidence. and where a right or interest is so made to appear the provisions of the Statute of Frauds shall not apply. What rights enforceable only when writing signed.

(2) No person shall be entitled to enforce any contract, made after the staking out, for sale or transfer of a mining claim or any mining lands or mining rights, or any interest in or concerning the same, unless the agreement or

some

some note or memorandum thereof is in writing signed by the person against whom it is sought to enforce the contract or by his agent thereunto by him lawfully authorized. (*See* B. C. 1898, c. 33, s. 15); 7 Edw. VII. c. 13, s. 45.

Transfer, form of.

72. A transfer of an unpatented mining claim or of any interest therein may be in Form 11 and shall be signed by the transferor or by his agent authorized by instrument in writing. 6 Edw. VII. c. 11, s. 118; 7 Edw. VII. c. 13, s. 32.

RECORDING DOCUMENTS.

Prerequisites for recording instruments.

73. Except as in this Act otherwise expressly provided, no transfer or assignment of or agreement or other instrument affecting a mining claim or any recorded right or interest acquired under the provisions of this Act, shall be entered on the record or received by a Recorder unless the same purports to be signed by the recorded holder of the claim or right or interest affected or by his agent authorized by recorded instrument in writing, nor shall any such instrument be recorded without an affidavit (Form 12) attached to or endorsed thereon, made by a subscribing witness to the instrument.

Recorded instruments to have priority.

74. After a mining claim or any other right or interest acquired under the provisions of this Act has been recorded every instrument other than a will affecting the claim or any interest therein shall be void as against a subsequent purchaser or transferee for valuable consideration without actual notice unless such instrument is recorded before the recording of the instrument under which the subsequent purchaser or transferee claims.

Recording to be notice.

75. The recording of an instrument under this Act shall constitute notice of the instrument to all persons claiming any interest in the claim subsequent to such recording, notwithstanding any defect in the proof for recording, but nevertheless it shall be the duty of the Recorder not to record an instrument except upon the proof required by this Act. *See* R.S.O. c. 136, s. 92.

Priority of recording to prevail.

76. Priority of recording shall prevail unless before the prior recording there has been actual notice of the prior instrument by the party claiming under the prior recording. *See* R.S.O. c. 136, s. 97.

Recording orders and judgments.

77.—(1) The Recorder shall enter upon the record of any unpatented mining claim or other recorded right or interest a note of any order or decision made by him affecting the same, giving its date and effect and the date of the entry; and he shall upon receiving with the prescribed fee, an order

order or decision of the Commissioner, or an order, judgment or certificate in an appeal from him, or a certified or sworn copy thereof, file the same and enter a note thereof upon the record of the claim or right or interest affected thereby.

(2) In a proceeding calling in question any interest in an unpatented mining claim or other recorded right or interest the Commissioner or Recorder may issue a certificate (Form 13) and upon receipt thereof and payment of the prescribed fee the Recorder shall file and note it as herein above directed.

Recording
certificate of
his pendens.

(3) The filing of a certificate shall be actual notice to all persons of the proceeding.

Filing
certificate
to be notice.

(4) The certificate, and the filing and noting thereof, shall be of no effect for any purpose whatever after the expiration of ten days from the date of filing unless within that time an order continuing the same is obtained from the Commissioner or the Recorder, and any person interested may at any time apply to the Commissioner for an order vacating the certificate. 7 Edw. VII. c. 13, s. 46.

Duration of
certificate of
his pendens.

WORKING CONDITIONS.

78.—(1) The recorded holder of a mining claim shall perform thereon work which shall consist of stripping or opening up of mines, sinking shafts or other actual mining operations as follows:—

Working con-
ditions on min-
ing claims.

(a) During the three months immediately following the recording, to the extent of thirty days of not less than 8 hours per day;

(b) During each of the first and second years following the expiration of such three months, to the extent of 60 days of not less than 8 hours per day;

(c) During the third year following the expiration of such three months, to the extent of not less than 90 days of 8 hours per day.

(2) The work may be completed in a less period of time than herein specified. If more work is performed by or on behalf of the recorded holder than is herein required during the first three months or in any subsequent year, the excess upon proof of the same having been performed shall be credited by the Recorder upon the work required to be done during any subsequent year. 6 Edw. VII. c. 11, s. 160.

Work may be
done within
earlier period.

(3) The recorded holder of a mining claim shall, not later than 10 days after each of the periods specified make a report (Form 14) as to the work done by him during such period

Report of
holder upon
work.

period, verified by affidavit (Form 15), but a report shall not be required for any period in which in consequence of the work having been previously done and reported no work has been done. 6 Edw. VII. c. 11, s. 161; 7 Edw. VII. c. 13, s. 47.

Certificate of performance.

(4) The Recorder if satisfied that the prescribed work has been duly performed may grant a certificate (Form 16), but he may first if he deems proper inspect or order the inspection of the work, or otherwise investigate the question of its sufficiency, and his decision thereon shall be final unless appeal is made to the Commissioner, whose decision shall be final. (See 6 Edw. VII. c. 11, ss. 162, 61; 7 Edw. VII. c. 13, ss. 48, 51.)

Performance of work on contiguous claims.

(5) A licensee who has given notice (Form 17) to the Recorder of his intention to perform all the work required to be performed in respect of not more than three contiguous mining claims upon one or two of them, may perform such work upon the claim or claims so specified and the report and affidavit as to work may be made accordingly. 6 Edw. VII. c. 11, s. 163; 7 Edw. VII. c. 13, s. 49.

Certain work not included as "actual mining operations."

(6) The construction of houses or roads or other like improvements shall not constitute "actual mining operations" within the meaning of this section.

Computation of Time—Extensions.

Periods excluded in computing time for performance of working conditions.

79. In computing the time within which work upon a mining claim is required to be performed, the following periods of time shall be excluded:—

- (a) All time which by an Order in Council or regulation is excluded;
- (b) In a Forest Reserve the time elapsing between the delivery by the holder of a mining claim to the Bureau of Mines of an application to work upon the same and the granting of such permission; 6 Edw. VII. c. 11, s. 164; 7 Edw. VII. c. 13, s. 50.
- (c) In the case of lands under timber license the time during which working conditions are suspended under section 47;
- (d) The time during which mining operations are prohibited by the Minister under section 48.

Extension of time for performance.

80.—(1) If by reason of pending proceedings or of the death or incapacity from illness of the holder of a mining claim the work is not performed within the prescribed time, the Recorder may from time to time extend the time for the performance of such work for such period as he may deem reasonable and he shall forthwith enter a note of every

every such extension on the record of the claim. 6 Edw. VII. c. 11, s. 72; 7 Edw. VII. c. 13, s. 51.

(2) Work performed within any such extended period shall be deemed to have been duly performed under section 78.

81. Where two or more persons are the holders of an unpatented mining claim, each of them shall contribute proportionately to his interest, or as they may otherwise agree between themselves, to the work required to be done thereon. In case of default by any holder the Commissioner upon the application of any other holder and upon notice to and after hearing all persons interested or such of them as appear, may make an order vesting the interest of the defaulter in the other co-owners upon such terms and conditions and in such proportions as he may deem just.

Proportionate contribution by co-owners.

This provision shall apply to all mining claims staked out or applied for on or after the 14th day of May, 1906, or before that day under regulations made under the authority of *The Mines Act*, being chapter 36 of the Revised Statutes of Ontario, 1897.

ABANDONMENT.

82.—(1) A licensee may, at any time, abandon a mining claim by giving notice in writing (Form 18) to the Recorder of his intention so to do.

Licensee may abandon mining claim.

(2) The Recorder shall enter a note of such abandonment upon the record of the claim with the date of the receipt of the notice and thereupon all interest of the licensee in such claim shall cease and determine, and the claim shall thereupon be forthwith open for prospecting and staking out. 6 Edw. VII. c. 11, s. 165; 7 Edw. VII. c. 13, s. 54.

Entry of note of abandonment.

83. Non-compliance by the licensee with any requirement of this Act as to the staking out and recording of a mining claim or with a direction of the Recorder in regard thereto, within the time limited therefor, shall be deemed to be an abandonment, and the claim shall, unless otherwise ordered by the Commissioner, be forthwith open to prospecting and staking out. 6 Edw. VII. c. 11, s. 166; 7 Edw. VII. c. 13, s. 54.

Non-compliance with Act or direction of Mining Recorder to be deemed abandonment.

FORFEITURE.

84.—(1) Except as provided by section 85, all the interest of the holder of a mining claim before the patent thereof has issued shall cease and the claim shall forthwith be open for prospecting and staking out:—

Causes of forfeiture of mining claim.

(a) If the license of the holder has expired, and has not been renewed.

(b)

- (b) If, without the consent in writing of the Recorder or Commissioner, or for any purpose of fraud or deception or other improper purpose the holder removes or causes or procures to be removed any stake or post forming part of the staking out of such mining claim, or for any such purpose changes or effaces or causes to be changed or effaced any writing or marking upon any such stake or post.
- (c) If the prescribed work is not duly performed.
- (d) If any report under subsection 3 of section 78 is not made and deposited with the Recorder as therein required.
- (e) If the application and payment for the patent required by sections 106 and 107 are not made within the prescribed time. 6 Edw. VII. c. 11, s. 168; 7 Edw. VII. c. 13, s. 52.

(2) No person other than the Minister or an officer of the Bureau of Mines or a licensee interested in the property affected shall be entitled to raise any question of forfeiture except by leave of the Commissioner.

Forfeiture postponed in certain cases.

85.—(1) Forfeiture or loss of rights under section 84 shall not take place for three months after default, if

- (a) In a case under paragraph (a) the holder of the claim obtains a special renewal license which shall be so marked and shall be issued only upon payment of three times the prescribed license fee;
- (b) In a case under paragraph (d) the holder files a proper report and pays therewith a special fee of \$25;

Relieving against forfeiture in other cases.

(2) Where compliance with any of the other requirements mentioned in section 84 has been prevented by pending proceedings or by any other special cause not reasonably within the control of the holder the Commissioner within three months after default may upon such terms as to compensation for expenses incurred by any other licensee who has acquired any interest in the claim during such period and upon such other terms as he may deem just make an order relieving the person in default from the forfeiture or loss of rights and upon compliance with the terms if any so imposed the order may be filed with the Recorder and thereupon the interest or rights forfeited or lost shall re-vest in the person so relieved.

(3)

(3) The Recorder upon any forfeiture or abandonment of or loss of rights in a mining claim shall forthwith enter a note thereof with the date of the entry upon the record of the claim and mark the record of the claim "Cancelled," and shall forthwith post up in his office a notice of the cancellation. 7 Edw. VII. c. 13, s. 53.

Entry of forfeiture by Recorder.

86. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may upon such terms, if any, as to compensation in respect of any intervening right or otherwise as he may deem just, relieve against any forfeiture or loss of rights under section 84 which he deems to be a hardship and re-vest the forfeited right or interest in the person who would but for the forfeiture have been entitled thereto.

Lieutenant-Governor in Council may relieve against forfeiture.

87. In the case of joint holders where the interest of a holder has ceased by reason of the expiration of his license, such interest shall, if the Minister so directs, pass to and vest in the other holders in proportion to their interests in the claim.

Interest of joint holder on expiry of his license.

88. Where a licensee in whose name a mining claim has been staked out dies before the claim is recorded, and where the holder of a claim dies before issue of a patent for the claim no other person shall, without leave of the Commissioner, be entitled to stake out or record a mining claim upon any part of the same lands or to acquire any right, privilege or interest in respect thereof within twelve months after the death of such licensee or holder, and the Commissioner may within such twelve months make such order as may seem just for vesting the claim in the representatives of such holder notwithstanding any lapse, abandonment, cancellation, forfeiture or loss of rights under any provision of this Act. (*New.*)

Death of licensee before record or of holder before patent.

INSPECTION OF CLAIMS.

89.—(1) The Commissioner or the Recorder may inspect or order an inspection of and an Inspector or other officer appointed by the Minister may inspect a mining claim at any time with or without notice to the holder for the purpose of ascertaining whether the provisions of this Act have been complied with, but after the granting of the Certificate of Record no such inspection shall, except by order of the Commissioner, be made for the purpose of ascertaining whether a discovery of valuable mineral in place has been made or whether the claim has been staked out in the prescribed manner.

Inspection by Commissioner, Recorder or Inspector.

(2) Unless notice of the inspection has been given to the holder of the claim at least seven clear days prior thereto, either personally or by registered letter addressed to him

Application by holder for re-inspection.

at his address appearing on record in the Recorder's books he may apply to the Commissioner or to the Recorder for a re-inspection and the same shall be granted if it appears that the holder of the claim has been prejudiced by the want of notice.

View or inspection in disputes, appeals, etc.

(3) The Commissioner or Recorder may in any dispute, appeal or other proceeding before him make or order with or without notice a view or inspection of any mining claim or of any lands or other property. 6 Edw. VII. c. 11, s. 67; 7 Edw. VII. c. 13, s. 18.

"Complete Inspection Area."

90.—(1) Every Special Mining Division and every other part of Ontario which may be so designated by Order in Council published in the *Ontario Gazette*, shall constitute and be known as a "Complete Inspection Area."

Certificate of record not to be granted before inspection.

(2) A Certificate of Record of the staking out of a mining claim in a Complete Inspection Area shall not be granted by the Recorder until the alleged discovery of valuable mineral upon which the application for the claim is based has been inspected and finally allowed.

Application to Recorder for inspection.

(3) Upon a special application in writing the Recorder may direct immediate inspection of the discovery.

New areas subject to inspection.

(4) Upon the establishment of a new Complete Inspection Area or upon the addition of territory to a Complete Inspection Area, all uninspected claims then existing therein shall be subject to the provisions of this section.

Alteration of limits.

(5) The limits of any Complete Inspection Area may by Order in Council published in the *Ontario Gazette* be altered or the whole or any part thereof withdrawn from the operation of this section. 7 Edw. VII. c. 13, s. 19 (6).

Publication of Order in Council.

(6) An Order in Council under this section shall take effect from the date of the first publication thereof in the *Ontario Gazette*. 7 Edw. VII. c. 13, s. 19.

Report of inspection to be filed with Recorder and entry made.

91.—(1) A report of each inspection except when made merely for the purpose of a dispute, appeal or other proceeding shall be made in writing by the inspecting officer and shall be filed in the office of the Recorder who shall forthwith enter upon the record of the claim a note stating the effect of the report and the date of the entry.

Cancelling claim upon report.

(2) If the Recorder deems that upon the report the claim should be cancelled he shall mark the record of the claim "Cancelled" and affix his signature or initials and shall by registered letter mailed not later than the next day notify the holder of the claim and the disputant and other interested parties, if any, of the receipt and effect of the report, and where the claim is cancelled in consequence of the report the notice shall so state.

(3) An appeal from the cancellation of the claim or from the entry by the Recorder in his record book of the allowance of the discovery may be taken to the Commissioner by the holder of the claim or by the disputant or other interested party, within the time and in the manner provided by section 133.

Appeal from report on cancellation to the Commissioner.

(4) Upon the cancellation of a claim under this section the Recorder shall forthwith post up in his office a notice of the cancellation, and the lands or mining rights comprised in such claim shall thereupon, unless withdrawn from prospecting and staking out, be again open to prospecting and staking out, but such staking out shall be subject to the result of any appeal by a licensee whose claim has been cancelled. 7 Edw. VII. c. 13, s. 21, *part*.

Effect of cancellation.

92. After a discovery has been inspected and allowed as a discovery of valuable mineral in place and the allowance entered by the Recorder upon the record of the claim it shall upon the expiration of the time for appeal from the report of inspection or upon the final allowance thereof upon appeal be deemed conclusively to be a discovery of valuable mineral in place, and the sufficiency of such discovery shall not thereafter be called in question in any cause, matter or proceeding in any Court or under this Act. 7 Edw. VII. c. 13, s. 21, *part*.

When discovery to be deemed conclusive.

93. The holder of a mining claim or the disputant or other person interested shall be entitled on payment of the prescribed fee to receive from the Recorder a certified copy of any report of inspection of the claim filed with him. 6 Edw. VII. c. 11, s. 63.

Right of holder to copy of report.

WORKING PERMITS.

94.—(1) A licensee may obtain a working permit giving him, for the purpose of prospecting for minerals, the exclusive possession of an area of land open to prospecting and staking out, such area being of the form and acreage prescribed for a mining claim, by proceeding in the following manner:

Right to obtain working permit on staking out area.

- (a) By staking the corners and marking the boundaries of such area and placing numbers and particulars upon the posts in the same manner as far as possible as is provided in section 54 in respect to mining claims, omitting only what is provided in respect of discovery and the discovery post, but the words "working permit applied for" shall be written or placed on No. 1 post and each post shall be notched with three rings of notches not less than $\frac{1}{4}$ inch deep and not less than

than 2 inches apart, beginning about 2 inches from the top of the post. 7 Edw. VII. c. 13, s 39.

(b) By furnishing to the Recorder within 15 days after the staking out, an application in duplicate (Form 19), together with a map or plan, in duplicate, indicating generally and as definitely as possible the location of the area by reference to some ascertained boundary or locality, together with an affidavit (Form 20), stating the name of the licensee on whose behalf the application is made, and the letter and number of his license, the locality of the area as indicated by some general description and statement, and such other information as will enable the Recorder to lay down the area on his office map, and the time when the area was staked out, that at the time the area was staked out there was nothing on it to indicate that it was not open to be staked out for a working permit, that the deponent knows of no reason why the working permit should not be granted, and that he verily believes the applicant is entitled under the provisions of this Act to make the application. Where the area is situated more than ten miles in a straight line from the office of the Recorder, an additional day shall be allowed for furnishing the application for each additional ten miles or fraction thereof.

(c) By procuring from the Recorder a certificate of the application (Form 21) and securely affixing the same to No. 1 post within three days after the granting of the certificate, and where the area is more than ten miles in a straight line from the office of the Recorder an additional day shall be allowed for each additional ten miles or fraction thereof.

(d) By paying or securing to the owner of the surface rights in the case of lands the surface rights of which have been theretofore granted, sold, leased or located, compensation for the injury or damage arising from the prospecting of such lands, as prescribed by section 104.

When working
permit may
issue.

Proviso.

(2) Upon compliance with the provisions of subsection 1 and payment of the prescribed fee, the applicant shall, after sixty days and within seventy days from the staking out of the area, procure from the Recorder a working permit (Form 22), which shall be for a period of six months from the date of its issue. Provided that in case the granting of a working permit is prevented by the recording of

a mining claim after the property was staked out for the working permit or by any pending dispute or by failure of the applicant after reasonable diligence to arrange with the owner of any surface rights as to the compensation the Recorder or the Commissioner may, notwithstanding the lapse of the seventy days, order the granting of the working permit. 6 Edw. VII. c. 11, s. 141, *part*; 7 Edw. VII. c. 13, ss. 38, 39, 40.

95. The Recorder shall post up in his office a notice, Recorder to post up notice of application.
(Form 23) of every application for a working permit. 6 Edw. VII. c. 11, s. 146.

96. A licensee shall not apply for or hold in any license Number of permits which may be granted.
year more than three working permits in any one mining division or in territory not comprised in any mining division. 6 Edw. VII. c. 11, s. 153.

97. Until a working permit has been granted, and a Rights of other licensees.
notice thereof (Form 24) has been affixed to No. 1 post, the area included in the application shall be subject to prospecting and staking out as a mining claim by any licensee, but thereafter during the continuance of the working permit or the renewal thereof, if any, the holder thereof shall have the exclusive right to prospect and stake out on the said area. Provided that at any time after the expiration of 60 days from the staking out where it seems just the Commissioner or the Recorder may order that the area shall not be open to prospecting or staking out until the working permit application has been disposed of, and such order shall be effective as soon as a duplicate or certified copy thereof is affixed to the No. 1 post. 6 Edw. VII. c. 11, s. 144 and 145; 7 Edw. VII. c. 13, s. 42.

98. Except as otherwise expressly provided, a licensee Application of other provisions as to mining claims.
staking out an area of land for a working permit shall in all respects be subject to the same restrictions and conditions as to prospecting and staking out as are applicable to a licensee prospecting and staking out a mining claim, and without limiting the general application of this section, sections 34, 36 to 41, subsection 3 of section 42, sections 44 to 52, 57, 58, 60 to 63, 69 to 77 and 79 to 89, so far as they can be made applicable, and modified so far as may be necessary, shall apply to an application for a working permit and to a working permit when granted. 6 Edw. VII. c. 11, s. 143.

99. Commencing not later than the expiration of two Working conditions of working permit.
weeks after the granting of a working permit, the holder shall perform upon the area described in the working permit work consisting of searching for minerals by sinking shafts or pits, digging trenches, making cross-cuts, boring by diamond or other drill, or other *bona fide* operations

tions of a like kind to the extent of five days of eight hours per day in each week. Provided that he may perform such work during a lesser period than six months, but so that the amount of work performed shall not at any time be less than that herein prescribed.

fer working permit.

100. A working permit may be transferred (Form 25), and upon the transfer being recorded the transferee shall be entitled to the unexpired term of the working permit and any right of renewal thereof. 6 Edw. VII. c. 11, s. 151.

Right to renewal of working permit.

101. The Recorder may grant to the holder of a working permit who has complied with the requirements of this Act one renewal thereof (Form 26), for a period of six months, but the renewal shall be subject to the same requirements as to work to be performed and otherwise as the original working permit. 6 Edw. VII. c. 11, s. 152.

Staking out claim on working permit area.

102. If the holder of a working permit makes a discovery of valuable mineral in place upon the area of land included therein he may stake out and record a mining claim thereon and the necessary variations may be made in the application for the recording of the claim and in the affidavit to be filed therewith. 7 Edw. VII. c. 13, s. 41, *part*.

Decisions of Commissioner to be final.

103. The decision or order of the Commissioner in respect of a working permit or of an application therefor or as to any right or interest thereunder or affected thereby shall be final and shall not be subject to appeal. 7 Edw. VII. c. 13, s. 4, *part*.

SURFACE RIGHTS COMPENSATION.

Right of owner of surface rights to compensation.

104.—(1) Where the surface rights of lands have been granted, sold, leased, or located, or where lands are occupied by a person who has made improvements thereon which in the opinion of the Minister entitle him to compensation, a licensee who prospect for mineral, or stakes out a mining claim or an area of land for a working permit or a boring permit, or carries on mining operations, upon such lands shall compensate the owner, lessee, locatee, or occupant, for all injury or damage which is or may be caused to the surface rights by such prospecting, staking out or operations, and in default of agreement the amount and the manner, and time of payment of compensation shall be determined by the Commissioner upon application to him after notice to the persons interested, and, subject where the amount awarded exceeds \$1,000 to appeal to the Divisional Court, his order shall be final and may be enforced as provided in section 132 of this Act. 6 Edw. VII. c. 11, s. 119.

(2) The Commissioner may order the giving of security for payment of the compensation and may prohibit, pending the determination of the proceeding or until the compensation is paid or secured, further prospecting, staking out or working by such licensee or any person claiming under him. Prohibiting work pending settlement.

(3) Where an order is made prohibiting the prospecting, staking out or working of a mining claim under the provisions of subsection 2, no other licensee shall have the right to prospect or stake out a mining claim to the prejudice of the prohibited licensee while the proceeding is pending. Other licensees not to prospect, etc., pending proceedings.

(4) The compensation shall be a special lien upon any mining claim or other right or interest acquired by the licensee or any person claiming under him in the lands so prospected, staked out or worked, and no further prospecting, staking out or working, except by leave of the Commissioner, shall be done by the licensee or any person claiming under him after the time fixed for the payment or securing of the compensation unless such compensation has been paid or secured as directed. 6 Edw. VII. c. 11, s. 119; 7 Edw. VII. c. 13, s. 33. Lien for compensation.

105. The Commissioner or the Recorder may reduce the area of any mining claim staked out where the surface rights have been granted, sold, leased or located, if in his opinion an area less than the prescribed area is sufficient for working the mines and minerals therein. 6 Edw. VII. c. 11, s. 120. Reduction in area of claim where surface rights have been sold.

ISSUE OF PATENT FOR MINING CLAIM.

106.—(1) Upon compliance with the requirements of this Act and upon payment of the purchase price as provided in section 107, the holder of a mining claim shall be entitled to a patent for the claim. Right to patent of claim.

(2) The application (Form 27) for the patent shall be made to the Recorder within three years and six months from the date of the recording of the claim. 6 Edw. VII. c. 11, s. 169. Application for patent.

107. The price per acre of Crown lands patented as mining claims shall be \$3 in surveyed territory and \$2.50 in unsurveyed territory, and the price per acre for mining rights and quarry claims so patented shall be one-half the price payable for Crown lands. 6 Edw. VII. c. 11, s. 174 (1). Price to be paid for patent.

108. A licensee who is the first discoverer of valuable mineral in place upon lands not in a Crown Forest Reserve Right of first discoverer to free patent.
at

at a point not less than five miles from the nearest known mine, vein, lode or deposit of the same kind of mineral and who has staked out a mining claim thereon and has complied with the requirements of this Act shall be entitled to a patent without payment of the price fixed by the next preceding section. 6 Edw. VII. c. 11, s. 170.

Reservation for
roads in
patents.

109. In all patents for mining claims within the Districts of Algoma, Thunder Bay, Rainy River, Manitoulin and Sudbury, and that part of the District of Nipissing which lies north of the French River, Lake Nipissing and the River Mattawan there shall be a reservation for roads of 5 per centum of the quantity of land granted and the Crown or its officers may lay out roads on such mining claims where deemed proper. 6 Edw. VII. c. 11, s. 171.

Patent-to-be
stated to be in
pursuance of
Act.

110. Every patent for Crown lands or mining rights by which it is intended to vest in the patentee the mines and minerals therein or any part thereof or any rights in connection therewith, shall state that it is issued in pursuance of this Act, or of the former Act under which it is issued. 6 Edw. VII. c. 11, s. 172.

Patents issued
under this Act
to vest
minerals.

111. Every patent of Crown lands which purports to be issued in pursuance of this Act shall unless otherwise expressly stated vest in the patentee for the estate thereby granted all the Crown title in such lands and all mines and minerals therein. 6 Edw. VII. c. 11, s. 173.

Reservation of
pine timber,—
rights of timber
licensees.

112.—(1) Every patent of Crown lands sold or granted as mining lands shall contain a reservation of all pine trees and such pine trees shall continue to be the property of the Crown, and any person holding a license from the Crown to cut timber on such lands may at all times during the continuance of the license enter upon the lands and cut and remove such trees, and may make all necessary roads for that purpose; provided that the patentee may cut and use such trees as may be necessary for the purpose of building, fencing and fuel on the land so patented, or for any other purpose necessary for the working of the mines therein, and may also cut and dispose of all trees required to be removed in clearing such part of the land as may be necessary for mining purposes, but subject as regards pine trees to the payment of the value thereof to the Crown or to the timber licensee or other person authorized to cut such pine trees, as the case may be.

Determination
of disputes

(2) Any dispute between the patentee or those claiming under him and the timber licensee or other person interested with regard to the quantity or value of the pine timber so cut or disposed of or otherwise regarding the trees cut shall be determined by the Minister, whose decision shall be final.

(3) This section shall not confer upon the patentee of mining rights only any right to cut timber upon the land described in the patent. 6 Edw. VII. c. 11, s. 175.

Patentee of mining rights not to cut timber.

SURVEY OF CLAIM BEFORE ISSUE OF PATENT.

113.—(1) Before a patent of a mining claim in unsurveyed territory is issued the claim shall be surveyed by an Ontario Land Surveyor at the expense of the applicant who shall furnish to the Recorder with his application the surveyor's plan in duplicate, field notes and description showing a survey in conformity with this Act and to the satisfaction of the Minister. 6 Edw. VII. c. 11, s. 176.

Survey of claim in unsurveyed territory before patent issues.

(2) In surveying a mining claim in unsurveyed territory the surveyor shall run the boundaries of the claim, by running straight lines, from No. 1 post at the northeast angle of the claim to No. 2 post at the southeast angle thereof, from No. 2 post to No. 3 post at the southwest angle thereof, and from No. 3 post to No. 4 post at the northwest angle thereof, and from No. 4 post to No. 1 post.

Mode of survey.

(3) The surveyor shall mark out the side lines on the ground by blazing the adjacent trees distinctly on three sides, one blaze on each side in the direction of the line and one on that side by which it passes.

Marking boundaries of claim.

(4) He shall give to the claim so surveyed a designating number or letter and shall mark the same on the posts.

Surveyor's designation of claim.

(5) He shall in his discretion connect such survey with some known point in a previous survey or with some other known point or boundary so that the claim may be laid down on the office maps in the Department. 6 Edw. VII. c. 11, s. 177.

Connection of survey with other points.

114. Where upon an application for a patent of a mining claim in surveyed territory the Minister is of opinion that a survey is necessary he may direct that a survey thereof shall be made at the expense of the applicant and such survey unless otherwise ordered shall comply with the same requirements as a survey of a mining claim in unsurveyed territory. 6 Edw. VII. c. 11, s. 178.

Minister may direct survey of claim in surveyed territory.

115. The surveyor immediately after the completion of every survey of a mining claim made by him shall deliver or forward by registered post to the Minister by his official title a certified copy of the plan and of his field notes and a description of the claim. (*New.*)

Surveyor to forward certified copy of plan to Minister.

116.—(1) If it is found upon a survey required or authorized by this Act that the area of a mining claim exceeds the prescribed acreage the Minister may direct

Reduction of area of claim found to exceed prescribed acreage.

the

the issue of a patent for a portion thereof not exceeding the prescribed acreage. 6 Edw. VII. c. 11, s. 179.

Manner in which reduction to be made.

(2) The reduction in unsurveyed territory shall, where practicable, be made as follows:—Keeping No. 1 post as the northeast corner and taking the straight line joining No. 1 and No. 2 posts, or if that line exceeds 20 chains in length the northerly 20 chains of it, as the eastern boundary; keeping the southern and western boundaries respectively parallel to or coinciding with the straight lines joining No. 2 and No. 3 posts and No. 3 and No. 4 posts, but shortening each of these boundaries to 20 chains where it exceeds that length, and in the case of a mining claim in a Special Mining Division shortening the southern boundary to 10 chains where it exceeds 10 chains; and in each case connecting the north-west corner so established with No. 1 post for the northern boundary. 6 Edw. VII. c. 11, s. 180.

PART III.—PLACER MINING.

Placer mining claims.

117. A licensee, who makes a discovery of a natural stratum, bed or deposit of sand, earth, clay, gravel or cement carrying gold, or platinum, or precious stones, which is probably of such a size and character as to be likely to be workable at a profit may stake out and record a mining claim to be called a "Placer Mining Claim," thereon, and the provisions of this Act, as to the staking out and recording of a mining claim upon the discovery of valuable mineral in place thereon, shall as far as practicable apply to the staking out of a placer mining claim as if the words "a natural stratum bed or deposit of sand, earth, clay, gravel or cement, carrying gold or platinum, or precious stones, which is probably of such a size and character as to be likely to be workable at a profit," were used instead of "valuable mineral in place," and the other provisions of this Act as to mining claims shall also, as far as practicable, apply to a "Placer Mining Claim," and "mining claim" wherever used in this Act shall, unless repugnant to the context, be read as including placer mining claim. 6 Edw. VII. c. 11, s. 182; 7 Edw. VII. c. 13, s. 55.

PART IV.—QUARRY CLAIMS.

Staking out claims to limestone, marble, etc.

118.—(1) Where not situated within a Complete Inspection Area or within a Special Mining Division Crown lands containing any natural bed, stratum or deposit of limestone, marble, clay, marl, peat, building stone, sand or gravel, may be staked out and recorded as a mining claim, to be called a "Quarry Claim," upon proof being furnished to the satisfaction of the Recorder that such bed, stratum, or deposit is of a size and character to be workable for any one or more of such substances, but all valuable minerals shall be reserved therefrom.

(2)

(2) No such staking out shall be done on any land located, sold or patented under *The Public Lands Act* or *The Free Grants and Homesteads Act*, or *The Rainy River Free Grants and Homesteads Act*, and such substances, unless expressly reserved, shall be deemed to have been conveyed by any patent heretofore or hereafter issued under any of the said Acts; provided that this section shall not affect any rights heretofore acquired in any such substances or the lands containing the same. 6 Edw. VII. c. 11, s. 3 (4).

(3) A quarry claim shall not interfere with the right of a licensee to stake out a mining claim on the lands embraced in the quarry claim, and as against such licensee the holder of a quarry claim shall have the same and no greater rights than if he were the owner of the surface rights and the quarry claim was a claim in respect of mineral rights.

(4) Except as provided in subsection 3, the rights and duties of the holder of a quarry claim shall be the same as those of the holder of a mining claim, and all the provisions of this Act as to mining claims shall, except where inappropriate, apply to quarry claims.

PART V.—PETROLEUM, GAS, COAL, AND SALT.

119.—(1) A licensee may obtain from the Minister a boring permit (Form 28), granting him the exclusive right for a period of one year to prospect for petroleum, natural gas, coal, or salt upon an area of land open for prospecting and staking out in those portions of the Province lying north and west of the River Mattawan, Lake Nipissing, and the French River, by:

- (a) Staking out or having another licensee stake out on his behalf and in his name such area by planting or erecting a post at each corner thereof in the manner and with the numbering provided by section 54, and writing or placing upon each post the words "Boring permit applied for," with his name and the letter and number of his license, and where the staking out is done by another licensee also the name of such licensee and the letter and number of his license; the date of the staking out and a statement of the area to be included in the application; Staking out.
- (b) Furnishing to the Recorder an application in duplicate (Form 29), verified by an affidavit (Form 30), within fifteen days after the staking out; Application to Recorder.
- (c) Forwarding to the Minister not more than ninety days thereafter a plan or diagram showing as nearly as possible the situation of the lands, and Application to Minister.

a written description of the same, including, if the area is in surveyed territory, the number of the lots and concessions or sections or quarter sections or other subdivisions, together with a fee of \$100; and

Compensation
to owner of sur-
face rights.

(d) Proving to the satisfaction of the Minister that he has paid or secured to the owner of the surface rights, if any, the compensation agreed upon or determined as provided in section 104 for any injury or damage which is or may be caused to the surface rights, or, in default of agreement, that he has paid or secured such compensation, as determined in the manner provided by section 104.

Recorder to
post-up
applications.

(2) One duplicate of the application shall be forthwith posted up by the Recorder in his office and the other forwarded by him to the Minister.

Additional
time allowed
on account of
distance.

(3) If the area staked out is more than ten miles from the office of the Recorder, one additional day for every additional ten miles or fraction thereof shall be allowed for furnishing the application to the Recorder.

Form of area
to be included
in permit.

(4) The area of land included in a boring permit, if in unsurveyed territory, shall be rectangular in form and shall not exceed six hundred and forty acres in extent, the boundary lines thereof being due north and south and due east and west astronomically, and if in surveyed territory need not be rectangular in form, but may consist of any number of contiguous lots, quarter sections or subdivisions of a section not containing in all more than six hundred and forty acres.

Working con-
ditions.

(5) The holder of a boring permit shall enter upon the area described therein within two months from the granting of the permit, and during the term of the permit shall expend thereon in actual boring, sinking, driving or otherwise searching for petroleum, natural gas, coal, or salt a sum amounting to not less than two dollars per acre.

Renewal of
permit

(6) Upon proof being furnished to the Minister that such expenditure has been made and that all other terms and conditions of the permit have been complied with, the Minister, at the expiration of the boring permit, may grant one renewal of the same for one year upon payment of a fee of \$100, and the renewal shall be subject to the like conditions as to expenditure and otherwise as the original permit.

Transfer of
permit.

(7) The holder of a boring permit may, with the consent of the Minister endorsed thereon, transfer (Form No. 31) all his rights in the permit or the lands included therein, and upon the consent being given the licensee to whom the permit

permit is transferred shall thereupon be entitled to the unexpired term of the permit, with any right of renewal thereof. 6 Edw. VII. c. 11, s. 181, *part*; 7 Edw. VII. c. 13, s. 54, *part*.

120.—(1) Upon the holder of a boring permit proving to the satisfaction of the Minister that he has discovered petroleum, natural gas, coal or salt, or any one or more of such substances in commercial quantities upon the lands included therein, the Minister may direct the issue to the holder of the permit of a lease of the lands or any portion of them for a term of ten years at an annual rental of one dollar per acre, payable in advance, and subject to the expenditure of not less than two dollars per acre per annum, in obtaining petroleum, natural gas, coal or salt, or any one or more of such substances therefrom, or in actual *bona fide* operations or works undertaken or made for the purpose of obtaining the same. The lessee shall have the right of renewal of such lease at the expiration of the first term of ten years for a further term of ten years at the same rental, and at the expiration of the second term for a term of twenty years at such renewal rental as may then be agreed upon or provided by statute or regulation.

Lease may
issue on dis-
covery.

Renewal.

(2) Every such lease shall contain such other conditions, stipulations and provisos as the Lieutenant-Governor in Council may prescribe, and shall be forfeited and void if the rental payable thereunder is not paid when due, or upon failure to expend the money required by subsection 1 to be laid out or upon failure to comply with any of the terms and conditions of the lease. Provided that relief from forfeiture for failure to pay rent when due may be had by the payment of all arrears within ninety days after the same became payable.

Lieutenant-
Governor in
Council may
make regula-
tions as to
leases.

Proviso.

(3) The right conferred by any such lease upon the lessee shall be to enter upon the lands described, and to dig, bore, sink, drive or otherwise search for and obtain, raise and remove, petroleum, natural gas, coal and salt, or any one or more of such substances. All other valuable minerals shall be reserved to the Crown, and any holder of a Miner's License may at all times go upon the said lands and prospect the same and stake out a mining claim thereon, but subject to compensating the lessee for any injury or damage to his interest in the lands at the time and in the manner provided in section 104, and may obtain a patent therefor, but such patent shall reserve the petroleum, natural gas, coal and salt, in, on, or under the said land.

Rights of
lessee.

Other minerals
to be reserved.

(4) No such lease shall issue for lands in unsurveyed territory until a plan in triplicate made by an Ontario Land Surveyor, field notes and description, shall be filed in the Department

Survey requir-
ed in unsurvey-
ed territory.

Department, showing a survey in conformity with this Act, and to the satisfaction of the Minister.

Timber to be reserved.

(5) The holder of a Boring Permit or of a lease for petroleum, natural gas, coal or salt, shall not be entitled to the timber upon the lands included in such permit or lease but if the same are not covered by timber license and have not been located, sold or patented under *The Public Lands Act*, *The Free Grants and Homesteads Act*, or *The Rainy River Free Grants and Homesteads Act*, may, with the permission of the Minister, and upon payment of such rates as may be fixed, cut and use such timber or trees as may be necessary for boring and working the said lands. 6 Edw. VII. c. 11, s. 181, *part*; 7 Edw. VII. c. 13, s. 54, *part*.

PART VI.—DREDGING LEASES.

Lieutenant-Governor in Council may make regulations as to dredging leases.

121.—(1) The Lieutenant-Governor in Council may make regulations respecting the issue of leases authorizing the holders thereof to dredge in any river, stream or lake, in, on or flowing through Crown lands, or the bed of which belongs to the Crown, for the purpose of recovering any valuable mineral therefrom, and every Order in Council made under this section shall take effect from the date of the first publication thereof in the *Ontario Gazette*.

Provisions to be included in dredging leases.

(2) Every such lease shall provide for the payment in advance of an annual rental of not less than twenty dollars per mile in length of any such river, stream or lake, and shall not be for a greater term than ten years, renewable at the expiration thereof for a further term of not more than ten years, and shall contain such provisions as may be required by the Lieutenant-Governor-in-Council for protecting all other public interests in such river, stream or lake, including the driving of logs and timber, and navigation. 6 Edw. VII. c. 11, s. 183.

PART VII.—MINING PARTNERSHIPS.

Forming mining partnerships.

122.—(1) Two or more persons, each being at least 18 years of age, or one or more of such persons and a company may form a partnership herein called a "Mining Partnership" for the purpose of prospecting for minerals and acquiring mining claims or any other right or interest under the provisions of this Act, and the performance of working conditions and doing work on a mining claim or any other act or thing which may be lawfully done before the issue of a patent for the claim, by signing personally or by attorney duly authorized in writing annexed thereto, a certificate (Form 32), setting forth:—

Certificate to be filed.

(a) The name, address and occupation of each of the partners;

(b)

- (b) The partnership name;
- (c) The total number of shares in the partnership;
- (d) The number of shares owned by each partner;
- (e) The date of the commencement of the partnership and the date on which it is to terminate; and
- (f) The name, address and occupation of some person residing in Ontario or of a company having its head office in Ontario authorized, and in writing annexed to or forming part of the certificate consenting to act as agent of the partnership.

(2) A mining partnership may be recorded by filing with any Recorder a certificate in accordance with subsection 1 or a copy thereof certified by a Recorder to be a true copy of a certificate recorded in his office and on payment of the prescribed fee. Recording partnership.

(3) After being recorded a mining partnership shall be entitled to a miner's license. Right of partnership to miner's license.

(4) A contract entered into in writing on behalf of a mining partnership by the recorded agent thereof shall be binding upon the partnership. Contracts by recorded agent to be binding.

(5) The member or members of a mining partnership owning a majority of the shares may revoke the appointment of the agent (Form 33), but the revocation shall not take effect until a certificate (Form 34), signed by such member or members substituting another qualified agent who in writing annexed to or forming part of such certificate consents to act as agent for the partnership has been filed in all the offices in which the partnership is recorded. Revocation of authority of agent.

(6) If the recorded agent of a mining partnership dies, the member or members owning a majority of the shares may, by signing a certificate (Form 34), appoint another qualified agent who, in writing annexed to or forming part of the certificate, consents to act as agent for the partnership, but such appointment shall not take effect until recorded in all the offices in which the partnership is recorded. Death of recorded agent.

(7) A share in a mining partnership shall be deemed to be personal estate and may be transferred to any person, mining partnership or company authorized to hold shares in a mining partnership by the owner thereof or by his executor, or administrator or by the assignee for the benefit of the creditors of the owner or by a sheriff or bailiff in due course of law by signing and filing with the Recorder a transfer thereof (Form 35). Transfer of share in mining partnership.

(8) A person to whom a share is transferred or to whom it passes by operation of law or otherwise, upon filing in every office in which the partnership is recorded the instrument Filing transfer of share,—effect of.

instrument of transfer or will or letters of administration or other instrument under which the share passes or a certified or sworn copy thereof, shall become a member of the partnership.

Dissolution of partnership.

(9) A mining partnership may be dissolved before the expiration of the time fixed by the certificate of partnership by filing in all the offices in which the partnership is recorded a certificate of dissolution (Form 36), signed by all the members or their attorneys duly authorized in writing annexed to the certificate, but a mining partnership shall not be dissolved by the death of any member.

Not to be dissolved by death.

Dissolution not to revoke authority of agent.

(10) Unless the certificate of dissolution otherwise provides the dissolution of a mining partnership shall not constitute a revocation of the authority of the recorded agent of the partnership, but thereafter the agent instead of being the agent of the partnership shall be the agent of the individual members or their legal representatives, as the case may be, and may bind the interest of the individual partners or their legal representatives in selling mortgaging or otherwise dealing with and transferring in the partnership name, the property of the partnership until the affairs of the partnership are finally wound up.

Agent not relieved from liability to breach of his instructions

(11) Nothing in this section contained shall relieve a recorded agent from liability for any breach of duty committed by him in wilfully disobeying the instructions given to him by the owners of a majority of the shares. 7 Edw. VII. c. 13, s. 12.

PART VIII.—PROCEEDINGS BEFORE COMMISSIONER AND RECORDER.

POWERS OF COMMISSIONER.

Claims, rights and disputes to be determined by Commissioner.

123.—(1) Except as provided by sections 182 and 183, no action shall lie nor shall any other proceedings be taken in any Court as to any matter or thing upon which before the issue of the patent any right privilege or interest conferred by or under the authority of this Act depends, but save as in this Act otherwise provided, every claim, question and dispute in respect to such matter or thing, shall be determined by the Commissioner, and in the exercise of the power conferred by this section the Commissioner may make such order and give such directions as he may deem necessary for making effectual and enforcing compliance with his decision.

Matters to be determined by Commissioner.

(2) Without limiting the general powers conferred by the next preceding subsection, it is declared that the Commissioner shall have jurisdiction and power to hear and determine all claims, questions and disputes arising before patent between contesting claimants or between the Crown and a claimant:—

(a)

- (a) For or in respect to any unpatented mining claim, quarry claim, mining lands or mining rights or any right, title or interest therein;
- (b) As to the existence, validity or forfeiture of any unpatented mining claim, quarry claim, working permit or boring permit, or application therefor, or of any right or privilege or interest which may before patent be acquired under the provisions of this Act;
- (c) As to the boundaries and extent of the lands or rights included in any unpatented mining claim, quarry claim, working permit or boring permit, or application therefor, or in any such other right, privilege or interest;
- (d) As to the right to possession of or the right to enter or prospect upon or stake out any unpatented mining claim, quarry claim, mining lands or mining rights;
- (e) As to any right claimed under regulations made by the Lieutenant-Governor in Council under the authority of subsection 2 of section 187;
- (f) As to whether and to what extent any unpatented mining claim or quarry claim or any working permit or boring permit or any other right, privilege or interest acquired by anyone under the provisions of this Act has before patent been transferred to or become vested in any other person. (See 6 Edw. VII. c. 11, ss. 9, 52; 7 Edw. VII. c. 13, ss. 5, 12, 38.)

124. A subpoena may issue out of the High Court or out of any County or District Court for the purpose of compelling the attendance of witnesses and production of documents and things in any proceeding before the Commissioner, and the Commissioner shall also have in respect to matters which may be dealt with by him under the provisions of this Act all the powers of summoning and enforcing the attendance of witnesses and compelling them to give evidence and produce documents and things which may be conferred upon Commissioners appointed under the authority of *The Act respecting Inquiries concerning Public Matters*. (See 6 Edw. VII. c. 11, ss. 26, 65; 7 Edw. VII. c. 13, s. 9.)

Subpoenas and summonses to witnesses.

s Edw. VII., c. 8.

125. In the exercise of the jurisdiction and power conferred by this Act, the Commissioner shall have all the authority and power conferred upon an official referee by *The Judicature Act* or by *The Arbitration Act*. 6 Edw. VII. c. 11, s. 18.

Powers of Commissioner.

126. In any matter or proceeding which may come before him under this Act, the Commissioner may make an order restraining

Order restraining party.

restraining any of the parties from doing any act which in his opinion ought not to be done or ought not to be done pending the final determination of any question involved in such matter or proceeding. (*See* 6 Edw. VII. c. 11, s. 9.)

Preventing
trespasses on
public lands.

127. The Commissioner shall also have all the powers which by *The Act to prevent Trespasses on Public Lands* are conferred on commissioners appointed under the authority of that Act. (*New.*)

REFERENCES AND TRANSFER OF ACTIONS TO COMMISSIONER.

Referring
actions, etc., to
Commissioner.

128. Where in the opinion of the Court in which an action is brought, or of a Judge thereof, the proceedings may be more conveniently dealt with or disposed of by the Commissioner, the Court or Judge may, upon the application of any party or otherwise, and at any stage of the proceedings, refer the action or any question therein to the Commissioner as an Official Referee, on such terms as to the Court or Judge may seem just, and the Commissioner shall thereafter give directions for the continuance of the proceedings before him, and, subject to the order of reference, all costs shall be in his discretion. (*See* 6 Edw. VII. c. 11, s. 20.)

Transfer of
proceedings
from court to
Commissioner

129. Where a proceeding is brought in any Court which should have been taken before the Commissioner, the Court or Judge may upon the application of any party or otherwise, and at any stage of the proceeding transfer it to the Commissioner, and thereafter it shall be deemed to be a proceeding before him under the provisions of this Act, and there shall be no appeal from the decision of the Commissioner except as provided by this Act. (*New.*)

POWERS OF RECORDER.

Concurrent
jurisdiction of
Recorder.

130.—(1) A Recorder, as to lands situate in his mining division, shall have all the powers conferred on the Commissioner by sections 123 and 124.

When Recorder
to decide mat-
ter in first
instance.

(2) Any question arising prior to the issue of a certificate of record of a mining claim or the granting of a working permit as to whether the provisions of this Act regarding a mining claim, working permit, application or working permit have been complied with, unless the Commissioner otherwise orders or unless the Recorder with the consent of the Commissioner transfers such question to the Commissioner for his decision, shall in the first instance be decided by the Recorder.

Note of deci-
sion to be made
by Recorder.

(3) The Recorder shall forthwith enter in the books of his office a full note of every decision made by him, and shall notify the persons affected thereby of such decision by registered letter mailed not later than the next day after the entry of such note.

(4) Every person affected by the decision shall be entitled upon payment of the prescribed fee to receive from the Recorder a certificate thereof which shall contain the date of the entry of such decision in the books of the Recorder. Certificate of decision.

(5) The decision of the Recorder shall be final and binding unless appealed from as in this Act provided. (*See 6 Edw. VII. c. 11, ss. 52, 62, 64.*)

131.—(1) The Recorder may give directions for the conduct and carrying on of the proceedings before him, and in so doing he shall adopt the cheapest and most simple methods and machinery for determining the questions raised before him. (*New.*) Recorder may direct proceedings before him.

(2) Where no such directions are given, the provisions relating to procedure before the Commissioner as far as the same may be applicable, shall apply. (*New.*)

(3) The Recorder shall not have power to award costs, but may in his discretion allow the fees and conduct money of witnesses and may direct by whom the same shall be paid. (*See 6 Edw. VII. c. 11, s. 65.*)

ENFORCEMENT OF ORDERS.

132. A duplicate of any order made by the Commissioner or by a Recorder may be filed in the office of the Clerk of Records and Writs or in the office of any Local Registrar or Deputy Clerk of the Crown, of the High Court of Justice, or in the office of the Clerk of the County or District Court of the County or District in which the lands lie, and upon being so filed shall become an order of the Court in which it is filed and shall be enforceable as an order of such Court, but the Court or a Judge thereof may stay proceedings thereon if an appeal is brought from the order. (*New.*) Making order of Commissioner or Recorder a judgment of the Court.

APPEALS FROM RECORDER.

133.—(1) A person affected by the decision of, or by any act or thing, whether ministerial or judicial, done, or refused or neglected to be done by the Recorder, may appeal to the Commissioner, who shall decide the matter and make such order in the premises as he may deem just. Right to appeal from Recorder to Commissioner.

(2) Upon an appeal from the decision of the Recorder the Commissioner may require or admit new or additional evidence or may re-try the matter. Admission of further evidence on appeal.

(3) The appeal shall be by notice in writing filed in the office of the Recorder (Form 37), and served upon all parties adversely interested within fifteen days from the entry of the decision in the books of the Recorder, or within such further period not exceeding fifteen days, as the Commissioner Mode of appealing.

sioner may allow. Provided that if notice of appeal has been filed with the Recorder within the said time, and the Commissioner is satisfied that it is a proper case for appeal and that after reasonable effort any of the parties entitled to notice could not be served within the said time, he may extend the time for appealing and make such order for substitutional or other service as he may deem just. Provided also that where a person affected has not been notified as provided in section 91 or 130 and appears to have suffered substantial injustice and has not been guilty of undue delay, the Commissioner may allow such person to appeal.

Address for service to be on notice of appeal.

(4) The notice of appeal shall contain or have endorsed upon it an address for service at some place not more than five miles distant from the Recorder's office, and any notice or document relating to the appeal shall be sufficiently served upon the appellant if left with a grown-up person at such place, or if no such person can there be found then if mailed by registered post addressed to the appellant at the post office at or nearest to such place.

Mode of service when no address given.

(5) If no address for service is given as provided in the next preceding subsection, any such notice or document may be served upon the appellant by posting up the same in the Recorder's office. (See 6 Edw. VII. c. 11, ss. 52, 74; 7 Edw. VII. c. 13, ss. 12, 24, 25.)

APPEAL TO MINISTER.

Appeal to Minister as to ministerial acts of Recorder.

134.—(1) An appeal shall lie from any decision of the Commissioner in respect to any ministerial duty of the Recorder to the Minister only, and the decision of the Minister shall be final and shall not be subject to appeal.

Mode of appealing to Minister.

(2) The appeal to the Minister shall be by notice in writing filed with the Bureau of Mines and served upon every adverse party within fifteen days after the date of the decision of the Commissioner, or within such further time as may be allowed by the Minister. 7 Edw. VII. c. 13, s. 12.

PROCEDURE BEFORE COMMISSIONER.

Style of proceedings.

135. The words "*The Mining Act of Ontario*" shall be written or printed on all notices and other documents in every matter, application and appeal taken before the Commissioner. (See 6 Edw. VII. c. 11, s. 10.)

Appointment.

136.—(1) An appointment shall be obtained from the Commissioner for the hearing of an appeal or of a dispute mentioned in section 63 or of any claim, question or dispute cognizable by him.

(2) In any matter or proceeding other than an appeal the Commissioner may, if a Certificate of Record has been issued

issued, require that the applicant shall satisfy him that there is reasonable ground for the application or may in any such case, or in any case where leave to take the proceeding is necessary, give the appointment or leave only upon such terms as to security for costs or otherwise as may seem just.

(3) The appointment may be obtained upon a verbal or written application. Application for appointment.

(4) A copy of the appointment shall be served upon all parties concerned, and except in the case of an appeal or dispute under section 63, a notice (Form 38) stating shortly the nature and particulars of the right, question or dispute, shall also be served. (*New.*) Service of appointment.

137.—(1) The Commissioner may give directions for having any matter or proceeding heard and decided without unnecessary formality, may order the filing and serving of statements, particulars, objections or answers, the production of documents and things, and the making of amendments, may give such other directions for the procedure and hearing as he may deem proper, and may make any appointment, notice or other proceeding returnable forthwith or at such time as he may deem proper, and may order or allow such substituted or other service as in the circumstances may seem proper. Commissioner to give all necessary directions.

(2) In appointing the place of hearing, the Commissioner shall select the place that he may deem most convenient for the parties within the county or district or one of the counties or districts in which the lands or mining rights affected are situate, unless it appears to him desirable that the hearing should be in some other county or district. Place of hearing.

(3) The hearing shall be proceeded with as promptly as possible, having regard to the interests of the parties concerned. Hearing to be proceeded with promptly.

(4) The Commissioner may take or order the evidence of any witness to be taken at any place within or without Ontario. Taking evidence.

(5) The Commissioner may hear and dispose of any application not involving the final determination of the matter or proceeding at any place he may deem convenient and his decision upon any such application shall be final and shall not be subject to appeal. 6 Edw. VII. c. 11, ss. 11, 19, 21. Interlocutory applications.

138. The Commissioner may obtain the assistance of engineers, surveyors, or other scientific persons, who may under his order view and examine the property in question, and in giving his decision he may give such weight to their opinion or report as he may deem proper. 6 Edw. VII. c. 11, s. 9. Commissioner may obtain expert assistance.

Commissioner may call for evidence, or proceed on view.

139.—(1) The Commissioner, in addition to hearing the evidence adduced by the parties, may require and receive such other evidence as he may deem proper, and may view and examine the property in question and give his decision upon such evidence or view and examination, or may appoint a person to make an inspection of the property, and may receive as evidence and act upon the report of the person so appointed. 6 Edw. VII. c. 11, s. 12.

Statement of view or of special knowledge.

(2) Where the Commissioner proceeds partly on a view or on any special knowledge or skill possessed by himself, he shall put in writing a statement of the same sufficiently full to enable a judgment to be formed of the weight which should be given thereto. 6 Edw. VII. c. 11, s. 13.

Commissioner preceeding wholly on view.

(3) When the parties consent in writing, the Commissioner may proceed wholly upon a view, and in such case his decision shall be final and shall not be subject to appeal.

Commissioner's decision to be upon the merits.

140. The Commissioner shall give his decision upon the real merits and substantial justice of the case. 7 Edw. VII. c. 13, s. 24.

Security for costs.

141. Where the Commissioner deems the matter or proceeding vexatious, or where it is brought by a person residing out of Ontario, he may order that such security for costs, as he may deem proper, be given, and that in default of such security being given within the time limited or in default of speedy prosecution the matter or proceeding be dismissed. 6 Edw. VII. c. 22, s. 74; 7 Edw. VII. c. 13, s. 24, *part*.

Right to use court room..

142. Where the hearing is to take place at a place where a court house is situate, the Commissioner shall have the right to use the court room, and where the hearing is to take place in a municipality in which there is a hall belonging to the municipality but no court room, he shall have the right to use such hall.

Right to use town hall.

Sheriffs, etc., to assist commissioner.

143. Sheriffs, deputy sheriffs, constables and other peace officers shall aid, assist and obey the Commissioner in the exercise of the powers conferred on him by this Act, whenever required so to do, and shall upon the certificate of the Commissioner be paid by the Treasurer of the County or District the same fees as for similar services in carrying out the orders of a Judge of the High Court. 6 Edw. VII. c. 11, s. 25.

When notes need not be extended.

144. The evidence taken before the Commissioner need not be filed, or written out at length by the shorthand writer unless required by the Commissioner or by a party to the proceedings, and copies shall be furnished upon the same terms as in cases in the High Court. 6 Edw. VII. c. 11, s. 36.

COSTS AND WITNESS FEES.

145. The Commissioner may in his discretion award costs ^{Costs.} to any party, and may direct that such costs be taxed by the Clerk of the County or District Court or by a local taxing officer of the High Court or by a taxing officer of the Supreme Court, or may order that a lump sum be paid in lieu of taxed costs. 6 Edw. VII. c. 11, s. 15. (*Amended.*)

146.—(1) The costs and disbursements payable upon proceedings before the Commissioner, as to any matter in which the amount or value of the property in question does not in the opinion of the Commissioner exceed \$400, shall be according to the tariff of the County Court, and as to any matter in which the amount or value of the property in question in his opinion exceeds \$400, shall be according to the tariff of the High Court. ^{Scale of costs.}

(2) The Commissioner shall in his order or award direct according to which tariff the costs and disbursements shall be taxed. ^{Commissioner to decide as to scale.}

(3) The Commissioner shall have the same powers as a Judge of a County Court or a taxing officer of the Supreme Court with respect to counsel fees. ^{Counsel fees.} 6 Edw. VII. c. 11, s. 41.

147. The fees and conduct money to be paid to a witness before the Commissioner or Recorder shall be according to the County Court scale. ^{Witness fees and conduct money.} 6 Edw. VII. c. 11, s. 27.

DECISIONS.

148.—(1) Except where inapplicable, the decision of the Commissioner shall be in the form of an order or award, but need not show upon its face that any proceeding or notice was had or given, or that any circumstance existed necessary to give jurisdiction to make such order or award. ^{Decision to be in form of order or award.} 6 Edw. VII. c. 11, s. 34, *part.*

(2) The order or award of the Commissioner, with the evidence, exhibits, the statement, if any, of view or of special knowledge or skill and the reasons for his decision if any are given, shall be filed in the Bureau of Mines, or in the Office of the Recorder, as may be directed by the Commissioner, and the officer or person in charge of such office shall forthwith give notice in writing of the filing by registered post or otherwise to the solicitors of the parties appearing by solicitor and to the parties not represented by a solicitor. ^{Filing order or award.} 6 Edw. VII. c. 11, s. 31

(3) Where the order or award is not filed with the Recorder of the Division in which the property affected is situate the Commissioner shall transmit a duplicate to such Recorder. ^{Duplicate to be transmitted to Recorder.}

Entry of note
of decision.

149.—(1) The Commissioner shall make in the books of his office a full note of every decision given by him. 6 Edw. VII. c. 11, s. 32, *part*.

Notice of final
decision to be
given to
parties.

(2) Where a decision of the Commissioner finally disposes of the matter in question so far as he is concerned he shall give notice of the purport of such decision to the parties to the proceeding by registered letter addressed to them at their addresses as entered in his books. 6 Edw. VII. c. 11, s. 32, *part*.

Parties to be
entitled to cer-
tified copy of
order or award

150. Any party to a proceeding shall be entitled on payment of the prescribed fee to a certified copy of any order or award made by the Commissioner, and the copy shall show the date of the entry of the order or award in the books of the Commissioner. 6 Edw. VII. c. 11, s. 33.

APPEALS FROM COMMISSIONER.

Appeal to
Divisional
Court.

151.—(1) Where not herein otherwise provided, an appeal shall lie to a Divisional Court from every decision of the Commissioner, including an order dismissing a matter or proceeding under the provisions of section 141.

Time for
appealing.

(2) Except in the case provided for by section 128, and in the case of a reference under *The Arbitration Act*, the order or award of the Commissioner shall be final and conclusive unless where an appeal lies it is appealed from within fifteen days after the filing thereof or within such further period not exceeding fifteen days as the Commissioner or a Judge of the Supreme Court may allow.

Notice of
appeal.

(3) The appeal shall be begun by filing a notice of appeal with the Recorder of the division in which the property in question or a part of it is situate and paying to him the prescribed fee, and unless such filing and payment are so made, and unless the appeal is set down and a certificate of such setting down lodged with the Recorder within five days after the expiration of said fifteen days or the further time allowed under subsection 2 the appeal shall be deemed to be abandoned.

Appeal direct
to Court of
Appeal.

(4) The appeal may be direct to the Court of Appeal if the parties consent or by leave of that Court or a Judge thereof. 6 Edw. VII. c. 11, ss. 30, 43; 7 Edw. VII. c. 13, ss. 10 and 11, *amended*.

Recorder to
transmit pro-
ceedings to
Central Office.

(5) The Recorder shall forthwith after the filing of the notice of appeal and the payment of the prescribed fee, transmit by registered post or by express to the Central Office at Osgoode Hall, Toronto, the order or award and all the exhibits, papers and documents filed therewith.

(6) Where the time for appealing is extended the appellant shall forthwith transmit the order for the extension, or a duplicate thereof, by registered post to the Recorder. Order extending time for appeal to be sent to Recorder.

APPEALS FROM DIVISIONAL COURT.

152. If the Divisional Court reverses or varies the decision of the Commissioner, any party adversely affected by such reversal or variation, within thirty days from the date of the decision of the Divisional Court, may, by leave of the Court of Appeal, or of a Judge thereof if the Court is not sitting, appeal to the Court of Appeal, and there shall be no further or other appeal. 7 Edw. VII. c. 13, s. 11. Appeals to Court of Appeal.

PROCEDURE ON APPEALS.

153. The practice and procedure, including the disposition of costs, on an appeal to the Divisional Court or to the Court of Appeal, shall be the same as in ordinary cases under *The Judicature Act*, except that it shall not be necessary to print the Appeal Book unless the Court of Appeal or a Judge thereof so directs. (*New.*) Procedure on appeals.

VALIDITY OF PROCEEDINGS BEFORE COMMISSIONER OR RECORDER.

154. Proceedings under this Act shall not be removable into any Court by certiorari or otherwise, and no injunction, mandamus or prohibition shall be granted or issued out of any Court in respect of anything required or permitted to be done by any officer appointed under the authority of this Act. 7 Edw. VII. c. 13, s. 12. Proceedings under Act not removable by certiorari, etc.

155. No proceeding before the Commissioner or a Recorder shall be invalidated by reason of any defect in form or substance or failure to comply with the provisions of this Act, where in the opinion of the Court before which any such proceeding comes in question no substantial wrong or injustice has been thereby done or occasioned. (*New.*) Validity of proceedings not to be affected by informality.

POWER TO EXTEND TIME AFTER EXPIRATION OF PRESCRIBED TIME.

156. Where power is conferred by this Act to extend the time for doing an act or taking a proceeding unless otherwise expressly provided, the power may be exercised as well after as before the expiration of the time allowed or prescribed for doing the act or taking the proceeding. Expiration of time for doing any act.

PART IX.—OPERATION OF MINES.

REGULATIONS.

157. No boy under the age of fifteen years shall be employed or allowed for the purposes of employment to be below Employment of women and children.

below ground in any mine; and except in the case of mica trimming works no girl or woman shall be employed at mining work or allowed to be for the purpose of employment at mining work in or about any mine. 6 Edw. VII. c. 11, s. 192.

Hours of
employment
for boys.

158.—(1) No boy under the age of seventeen years shall be employed or allowed to be below ground for the purpose of employment in any mine on Sunday or for more than eight hours in any one day.

(2) The time during which any such boy may be below ground for the purpose of employment shall be deemed to begin at the time of leaving and to end at the time of returning to the surface. 6 Edw. VII. c. 11, s. 193.

Registers to be
kept of lads
employed.

159. The owner or agent of every mine shall keep in an office at the mine, or in the principal office of the mine belonging to the same owner in the county or district in which the mine is situate, a register, in which he shall cause to be entered the name, age, residence and date of the first employment of all boys under the age of seventeen years who are employed in the mine below ground, and shall produce such register to any Inspector at the mine at all reasonable times when required by him, and allow him to inspect and copy the same. The immediate employer other than the owner or agent of the mine of every boy under the age of seventeen years, before he causes him to be in any mine below ground, shall report to the owner or agent or some person appointed by him, that he is about to employ such boy in the mine. 6 Edw. VII. c. 11, s. 194.

Age and sex of
Persons in
connection
with engines.

160. Where there is a shaft, incline, plane or level in any mine, whether for the purpose of an entrance to the mine or of a communication from one part of it to another, and persons are taken up, down or along the shaft, incline, plane or level by means of any engine, windlass or gin, no person shall be allowed to have charge of such engine, windlass or gin, or of any part of the machinery, ropes, chains or tackle connected therewith, unless such person is a male of at least twenty years of age. Where the engine, windlass or gin is worked by an animal, the person under whose direction the driver of the animal acts shall for the purposes of this section be deemed to be the person in charge of the engine, windlass or gin, and no person shall be employed as such driver who is under the age of sixteen years. 6 Edw. VII. c. 11, s. 195.

Penalty for
employment of
persons con-
trary to Act.

161. Where any person contravenes any of the next preceding four sections, the owner and the agent of the mine shall also each be guilty of an offence against this Act, unless

unless he proves that he had taken all reasonable means to prevent such contravention by publishing, and to the best of his power enforcing the provisions of this Act. 6 Edw. VII. c. 11, s. 196.

162. Where a mine has been abandoned or the working thereof has been discontinued, the owner or lessee thereof, and every other person interested in the minerals of the mine shall cause the top of the shaft and all entrances from the surface, as well as all other pits and openings dangerous by reason of their depth, to be and to be kept securely fenced; and if any person fails to act in conformity with this section he shall be guilty of an offence against this Act, and any shaft, entrance, pit or other opening which is not so fenced shall be deemed to be a nuisance. 6 Edw. VII. c. 11, s. 203.

Fencing of abandoned or unworked mines.

INQUEST TO BE HELD IN CASE OF FATALITY.

163. The coroner who resides nearest to a mine wherein or in connection wherewith any fatal accident has occurred, shall forthwith conduct an inquest, but if he is in any way in the employment of the owner or lessee of the mine he shall be ineligible to act as coroner, and any other coroner shall, upon application by any person interested, forthwith issue his warrant and conduct such inquest, and this section shall be his authority for so doing whether his commission extends to such territory or not. 6 Edw. VII. c. 11, s. 204.

Coroner to hold inquest in case of fatality in a mine.

RULES FOR PROTECTION OF MINERS.

164. The following general rules shall so far as may be reasonably practicable be observed in every mine:

General rules.

Sanitation.

1. An adequate amount of ventilation shall be constantly produced so that the shafts, adits, tunnels, winzes, rises, sumps, levels, stopes, cross-cuts, underground stables and working places of the mine and the travelling roads to and from such working places shall be in a fit state for working and passing therein.

Ventilation.

2. In every working mine which is entered by a shaft and operated to a greater depth than 100 feet, and in every mine which is entered by an adit or tunnel and operated to a greater distance than 300 feet from the entrance to the adit or tunnel, the Inspector may require a sufficient number of portable water-tight privies to be provided for the underground employees of the mine, and such privies shall be taken to the surface and thoroughly cleansed every twenty-four hours.

Portable privies.

Care

Care of Explosives.

Magazine for
explosives.

3. No magazine for powder, dynamite or other explosive shall be erected or maintained at a nearer distance than four hundred feet from the mine and works, or any public highway, except with the written permission of the Inspector, and every such magazine shall be constructed of materials and in a manner to insure safety against explosion from any cause, and shall be either so situated as to interpose a hill or rise of ground higher than the magazine between it and the mine and works, or else an artificial mound of earth as high as the magazine and situate not more than 30 feet from it shall be so interposed.

Where explo-
sives are stored
in mines.

4. No powder, dynamite or other explosive in excess of a supply for 24 hours shall be stored underground in a working mine. It shall be kept in securely covered and locked boxes, and, where thawed underground, it shall be kept in unused parts of the mine, never less than ten feet from lines of underground traffic nor less than one hundred and fifty feet from places where drilling and blasting are carried on, and shall at all times be in charge of a specified man fully qualified by his experience to take charge thereof.

Storage of fuse,
blasting caps,
etc.

5. No fuse, blasting caps, electric detonators, or articles containing iron or steel shall be stored in the same magazine with powder, dynamite or other explosive, nor at a less distance than fifty feet from such magazine, and they shall be stored in a covered box in a place of safety.

Lighted lamps
or candles to
be kept at a
distance from
explosives.

6. Whenever a workman opens a box containing an explosive, or in any manner handles the same, he shall not permit any lighted lamp or candle to come closer than five feet to such explosive, nor permit the lamp or candle to be in such a position that the air current may convey sparks to the explosive, and a workman with a lighted lamp, candle, pipe or any other thing containing fire shall not approach nearer than five feet to an open box containing an explosive.

Inspection of
stores of explo-
sives in a mine.

7. A thorough daily inspection shall be made of the condition of explosives in a mine, and the manager, captain or other officer in charge of the mine shall institute an immediate investigation when an act of careless placing or handling of explosives is discovered by or reported to him; and any employee who commits a careless act with an explosive or where explosives are stored, or who, having discovered it, omits or neglects to report immediately such act to an officer in charge of the mine, shall be guilty of an offence against this Act.

Thawing house
and apparatus
for explosives.

8. A suitable house in which to thaw explosives shall be built separate from the other mine buildings and shall be equipped with suitable apparatus for thawing explosives approved

approved by the Inspector, and shall be under the direction of the mine foreman or some other careful and experienced workman. Whenever deemed necessary by the Inspector suitable apparatus for thawing explosives shall also be provided, for use in the mine and shall be used only under the direction of the mine foreman or of some other careful and experienced workman. The quantity of explosives brought into the thawing house shall not at any time exceed the requirements of the mine for a period of twenty-four hours, except where such requirements would be less than one hundred pounds.

9. In charging holes for blasting, no iron or steel tool or rod shall be used, and no iron or steel shall be used in any hole containing explosives. No iron or steel to be used in charging holes.

10. A charge which has missed fire shall not be withdrawn, but shall be blasted; and, in case the missed hole has not been blasted at the end of a shift, that fact shall be reported by the foreman or shift-boss to the mine captain or shift-boss in charge of the next relay of miners before work is commenced by them. Missed holes to be reported.

11. All drill holes, whether sunk by hand or machine drills, shall be of sufficient size to admit of the free insertion to the bottom of the hole of a stick or cartridge of powder, dynamite or other explosive, without ramming, pounding or pressure. Size of drill holes.

12. No powder, dynamite or other explosive shall be used to blast or break up ore in roast heaps where by reason of the heated condition of the ore or otherwise there is any danger or risk of premature explosion of the charge. Blasting of roast heaps.

Protection in Working Places.

13. Every underground plane on which persons travel which is self-acting, or worked by an engine, windlass or gin, shall be provided at intervals of not more than twenty yards with sufficient man-holes for places of refuge, and every such plane which exceeds thirty yards in length shall also be provided with some proper means of signalling between the stopping places and the end of the plane. Man holes in self-acting or engine planes.

14. Every road on which persons travel underground where the produce of the mine in transit ordinarily exceeds ten tons in any one hour over any part thereof shall be provided at intervals of not more than one hundred yards with sufficient spaces for places of refuge, each of which spaces shall be of sufficient length, and of at least three feet in width between the waggons running on the tram-road and the side of the road; and the Minister may require the Inspector to certify whether the produce of the mine in transit on such road does or does not ordinarily exceed the Refuges in tram-roads.

the weight aforesaid, and such certificate shall be conclusive as to the matters therein stated.

Keeping
refuges clear.

15. Every man-hole and space for a place of refuge shall be constantly kept clear, and no person shall place anything in a man-hole or in such space in such a position as to prevent convenient access thereto.

Protection of
workmen in
drifts

16. Where drifts extend from a shaft in opposite directions on the same level, a safe passage way and standing room for workmen shall be made on one or both sides of the shaft to afford protection against falling material.

and shafts.

17. Where a shaft is being sunk below levels in which work is going on, a suitable pentice shall be provided for protection of the workmen in the shaft.

Fencing of
shafts and
other openings

18. The top of every shaft, unless otherwise directed by the Inspector, shall be securely fenced, and every pit or opening dangerous by reason of its depth shall be securely fenced or otherwise protected.

Guard rails.

19. Guard rails shall be placed round the shaft openings on every level of the mine.

Timbering.

20. Where the enclosing rocks are not safe every working or pumping shaft, adit, tunnel, stope or other working shall be securely cased, lined or timbered, or otherwise made secure.

Safety from
water.

21. Every working mine shall be provided with suitable and efficient machinery and appliances for keeping the mine free from water, the accumulation or flowing of which might injuriously affect any other mine.

Ascending and Descending Shafts.

Division of
shaft.

22. Where one portion of a shaft is used for the ascent or descent of persons by ladders or by a man engine, and another portion of the same shaft is used for raising the material gotten in the mine, the first mentioned portion shall be cased or otherwise securely fenced off from the last mentioned portion.

Conditions
under which
machinery
may not be
used to lower
or hoist men in
a mine.

23. Workmen may not be lowered or hoisted in shafts, winzes or other underground openings of a mine,

(a) In buckets, skips or tubs;

(b) In cages which are not provided with a hood, dogs and other approved safety appliances;

(c) In cages where detaching hooks to prevent overwinding in mines of upwards of 1,000 feet vertically in depth are not provided;

(d) Where no indications other than marks on the rope or cable are used to show to the person who works

works the machine or hoisting engine, the position of the cage in the shaft;

- (e) Where the rope or cable passes through blocks instead of passing over a sheave of diameter suited to the diameter of the rope or cable and properly mounted on a secure head-frame.

The owner of every mine shall post and maintain at the mouth of the shaft or other conspicuous place a printed copy of this rule, and where the same has been posted and maintained in case of an accident occurring as a result of a violation of this rule the owner shall not be liable for damages except upon proof that he has permitted or authorized the employment of means herein prohibited for raising and lowering workmen in a mine, or that a suitable manway has not been provided.

Printed copy of rule to be kept posted.

24. Whenever a mine shaft exceeds four hundred feet vertically in depth, a safety cage shall be provided, kept and used for lowering and raising men in the shaft, unless otherwise directed in writing by the Inspector.

Safety cages in shafts over 400 feet deep.

25. Skipways shall be provided with back timbers to prevent skips leaving the track where such skipways are inclined at more than 45 degrees from the horizon, unless otherwise directed in writing by the Inspector.

Skipways.

26. Hoisting with horse and pulley-block is forbidden where the depth of a shaft is more than seventy-five feet.

Hoisting with horse and pulley block.

27. No open hook shall be used in hoisting or lowering.

Open hooks not to be used.

28. On the drum of every machine used for lowering or raising persons there shall be such flanges or horns, and also, if the drum is conical, such other appliances as may be sufficient to prevent the rope or cable from slipping.

Slipping of rope on drum.

29. To every hoisting machine used for lowering or raising persons or material there shall be attached a brake adequate to hold at any point in the shaft the weight of the skip, bucket, or other vessel used when filled with ore, and in any shaft of greater depth than 200 feet there shall also be in addition to any mark on the rope or cable a geared indicator which will show to the person who works the machine the position of the cage or load in the shaft.

Brake.

30. No person shall ride upon or against any loaded car in any level, drift or tunnel in or about any mine.

Riding on loaded cars, etc.

Scaling, Escapement Shafts, etc.

31. The Manager or Captain or other competent officer of every mine shall examine at least once every day all working shafts, levels, stopes, tunnels, drifts, crosscuts, raises, signal apparatus, pulleys and timbering in order to ascertain

Daily examination.

tain that they are in a safe and efficient working condition, and he shall inspect and scale, or cause to be inspected and scaled, the walls and roofs of all stopes or other working places at least once every week.

Stretchers for conveyance of injured persons.

32. The owner, operator or superintendent of every mine where six or more men are employed in underground work shall maintain a properly constructed stretcher for the purpose of conveying to his place of abode any person who may be injured while in the discharge of his duties at the mine.

Escapement shafts.

33. Every person who has sunk in any mine a vertical or incline shaft to a greater depth than 100 feet, where the top of such shaft is covered or enclosed by a building which is not fire-proof, and who has drifted a distance of 200 feet or more from the shaft and has commenced to stope, shall provide and maintain to the hoisting shaft or the opening through which men are let into or out of the mine and the ore is extracted, a separate escapement shaft or opening. If such an escapement shaft or opening is not in existence at the time that stoping is commenced, work upon it shall be begun as soon as stoping is commenced, and shall be diligently prosecuted until the same is completed, and the escapement shaft or opening shall be continued to and connected with the lowest workings in the mine. The escapement shaft or opening herein provided for shall be of sufficient size to afford an easy passage way, and if it is an upraise or shaft it shall be provided with good and substantial ladders from the deepest workings to the surface. With the exception of any erection used solely as a shaft-house, no permanent building, for any purpose, shall hereafter be erected within fifty feet of the mouth of a mine.

Buildings not to be erected nearer than 50 feet to the mouth of a mine.

Old timber to be removed.

34. All timber not in use to sustain the roof or walls or any part of a mine shall as soon as practicable be taken from the mine and shall not be piled up and permitted to decay therein.

Storing oils, etc.

35. All oils and other inflammable materials shall be stored or kept in a building erected for that purpose, and at a safe distance from the powder magazine and from the main buildings, and shall be removed therefrom for use in such quantities only as are necessary to meet the requirements of one day.

Signalling.

36. Every working shaft which exceeds 100 feet in depth in which persons are lowered and raised, unless otherwise permitted in writing by the Inspector, shall be provided with guides and some suitable means of communicating by distinct and definite signals from the bottom of the shaft, and from every level for the time being in work between the surface and the bottom of the shaft to the surface, and also of communicating from the surface to the bottom of the shaft

shaft, and to every level for the time being in work between the surface and the bottom of the shaft.

37. All methods of signalling in a mine shall be printed Code of signals. and posted up in the engine house or hoist house and also at the top of the shaft and at the entrance of each level. The following code of mine signals shall be used at every mine:—

Code of Mine Signals.

- 1 bell..... Stop immediately—if in motion.
- 1 bell..... Hoist.
- 2 bells..... Lower.
- 3 bells..... Hoist slowly.
- 4 bells..... Blasting signal. Engineer must answer by raising cage a few feet and letting it back slowly, then one bell, hoist men away from blast.
- 5 bells..... Steam on.
- 6 bells..... Steam off.
- 7 bells..... Air on.
- 8 bells Air off.
- 3—2—2 bells..... Send down drills.
- 3—2—3 bells..... Send down picks.
- 9 bells..... Danger signal, in case of fire or other danger. Then ring number of station where danger exists.

Ladders and Footways.

38. A suitable footway or ladder, inclined at the most Ladders and platforms. convenient angle which the space in which the ladder is fixed allows, shall be provided in every working shaft, and every such ladder shall have a substantial platform at intervals of not more than twenty feet, and shall not be fixed for permanent use in a vertical or overhanging position and all ladders in shafts shall project at least two feet above the platform, and all hold-fasts shall be of iron securely fixed in the shaft casing. The platform shall be closely covered, with the exception of an opening large enough to permit the passage of a man's body, and shall be so arranged that it would not be possible for a person to fall from one ladder through the opening to the ladder below.

Dressing Rooms.

39. If more than ten persons to each shift are ordinarily Dressing room. employed in the mine below ground, sufficient accommodation, including supplies of pure cold and warm water for washing shall be provided above ground near the principal entrance of the mine, and not in the engine room or boiler room

165.—(1) No wages shall be paid to any person employed in or about any mine to which this part applies at or within any tavern, shop or place where spirits, wine, beer or other
18a s. spirituous

spirituous or fermented liquor are sold or kept for sale, or within any office, garden, or place belonging or contiguous thereto or occupied therewith.

(2) Every person who contravenes or permits any person Penalty. to contravene this section shall be guilty of an offence against this Act, and in the event of any such contravention by any person whomsoever the owner and agent of the mine in respect of which the wages were paid shall also each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means to prevent such contravention by publishing and to the best of his power enforcing the provisions of this section. 6 Edw. VII. c. 11, s. 200.

DAMAGE TO OTHER CLAIMS.

166. In mining operations no person shall cause damage or injury to the holder of any mining property by throwing earth, clay, stones or mining material on such other mining property, or by causing or by allowing water which may be pumped or bailed or which may flow from a mining claim or other mining property of such person, to flow into or upon such other mining property, and the offender in addition to any civil liability shall incur a penalty of not more than \$10 for every day such damage or injury continues, together with costs, and in default of payment of the penalty and costs, may be imprisoned for any period not exceeding one month. 6 Edw. VII. c. 11, s. 198. Licenseses not to damage other claims.

PARTY WALLS.

167.—(1) Unless the owners agree to dispense therewith, in all mining operations there shall be left between all adjoining properties a party wall at least fifteen feet thick, (being seven and one-half feet on each property) to the use of which the adjoining owners shall be entitled in common. Party walls thickness of.

(2) The owners shall be entitled to use such party wall in common as a roadway for all purposes, and such roadway shall not be obstructed by the throwing of soil, rock or other material thereon, or in any other way, and any person obstructing the same in addition to any civil liability shall incur a penalty of not more than \$10 for every day such obstruction continues, together with costs. Rights of adjoining owners.

(3) Any such adjoining owner may in any case apply to the Commissioner, who may make an order dispensing with Owners may agree. such party wall or roadway, or providing for the working of any mineral therein, or otherwise, as he may deem just. 7 Edw. VII. c. 13, s. 56.

NOTICE OF ACCIDENTS.

Notice of accidents in mines to be sent to Deputy Minister.

168. Where loss of life or any serious personal injury to any employee occurs in or about a mine by reason of any accident whatever, the owner or agent of the mine shall within twenty-four hours next after the accident send notice in writing of the accident, and of the loss of life, or personal injury occasioned thereby, to the Deputy Minister, and shall specify in such notice the character of the accident, and the number of the persons killed or injured and their names if known. 6 Edw. VII. c. 11, s. 207.

Notice of changes in connection with the working of a mine or in respect of its officers.

169. Where mining operations have been commenced upon any mine, claim, location or works in the Province, or where such operations have been discontinued, or where such operations have been re-commenced after an abandonment or discontinuance for a period exceeding two months, or where any change is made in the name of a mine or in the name of the owner or agent thereof, or in the officers of any incorporated company which is the owner thereof, the owner or agent of such mine, claim, location or works shall give notice thereof to the Deputy Minister within two months after such abandonment, discontinuance, re-commencement or change, and if such notice is not given the owner or agent shall be guilty of an offence against this Act. 6 Edw. VII. c. 11, s. 206.

STATISTICAL RETURNS.

Statistical returns by owners and agents of mines.

170.—(1) For the purpose of their tabulation under the instructions of the Minister the owner or agent of every mine, quarry or other works to which this Act applies shall on or before the 15th day of January in every year send to the Bureau of Mines a correct return for the year which ended on the 31st day of December next preceding, showing the number of persons ordinarily employed below and above ground respectively, and distinguishing the different classes and ages of the persons so employed whose hours of labour are regulated by this Act, the average rate of wages of each class and the total amount of wages paid during the year, the quantity in standard weight of the mineral dressed, and of the undressed mineral which has been sold, treated or used during such year, and the value or estimated value thereof, and such other particulars as the Minister may by regulation prescribe.

Monthly or quarterly returns.

(2) The owner or agent of every metalliferous mine shall, if required, make a similar return for the month or quarter at the end of each month or quarter of the calendar year.

Penalty.

(3) Every owner or agent of a mine, quarry or other works who fails to comply with this section, or makes any return which is to his knowledge false in any particular, shall

shall be guilty of an offence against this Act. 6 Edw. VII. c. 11, s. 201.

PLANS OF WORKINGS.

171.—(1) On any examination or inspection of a mine the owner shall, if required, produce to the Inspector, or to any other person authorized by the Minister or Deputy Minister an accurate plan of the workings of the same. Plans to be produced on inspection of mine.

(2) The plan shall show the workings of the mine up to within six months of the time of the examination or inspection, and the owner shall, if required by the Inspector or other authorized person, cause to be marked on the plan the progress of the workings of the mine up to the time of the examination or inspection, and shall also permit him to take a copy or tracing thereof. Marking subsequent progress on plan.

(3) An accurate plan of every working mine in which levels, crosscuts or other openings have been driven from any shaft, adit or tunnel, and of every mine consisting of a tunnel or shaft fifty feet or more in length shall be made and a certified copy filed in the Bureau of Mines on or before the 31st day of March in each year, showing the workings of the mine up to and including the 31st day of December next preceding, and whenever work has been discontinued or abandoned for a period of one month such plan shall be filed within two months from the date of cessation of work. Plan of working mines to be filed.

(4) Failure on the part of the owner or agent of the mine to comply with any provision of this section shall be an offence against this Act. Failure to furnish plans.

(5) Every such plan shall be treated as confidential information for the use of the officers of the Bureau of Mines, and shall not be exhibited nor shall any information contained therein be imparted to any person except with the written permission of the owner or agent of the mine. 6 Edw. VII. c. 11, s. 202. Plans to be treated as confidential.

POWERS AND DUTIES OF INSPECTOR.

172.—(1) It shall be the duty of every Inspector, and he shall have power to do all or any of the following things, namely:— Powers of Inspectors.

(a) To make such examination and inquiry as he may deem necessary to ascertain whether the provisions of this Act are complied with; Inquiries as to compliance with Act.

(b) To enter, inspect and examine any mine and every portion thereof at all reasonable times by day or night, but so as not to unnecessarily impede or obstruct the working of the mine; Inspection.

(c)

Examination
as to matters
affecting
health and
safety of
employees.

(c) To examine into and make inquiry respecting the state and condition of any mine, or any portion thereof, and the ventilation of the mine, and all matters and things connected with or relating to the safety of the persons employed in or about the mine, or any mine contiguous thereto, and to give notice to the owner or agent in writing of any particulars in which he considers such mine or any portion thereof, or any matter, thing or practice to be dangerous or defective or contrary to the provisions of this Act, and to require the same to be remedied within the time named in such notice;

Stopping work
when mine
unsafe.

(d) To order the immediate cessation of work in and the departure of all persons from any mine or portion thereof which he considers unsafe, or to allow persons to continue to work therein on such precautions being taken as he deems necessary;

General powers
for protection
of miners.

(e) To exercise such other powers as may be necessary for ensuring the health and safety of miners and all other persons employed in or about mines, smelters, metallurgical and mining works.

Annual report.

(2) It shall be the duty of every Inspector to make an annual report of his proceedings during the preceding year to the Deputy Minister.

Report to be
laid before
Assembly.

(3) The annual report shall be laid before the Legislative Assembly. 6 Edw. VII. c. 11, s. 50.

Special report.

173.—(1) The Minister may direct an Inspector to make a special report with respect to any accident in or about any mine which has caused loss of life or personal injury to any person.

Inspectors may
take evidence.

(2) In conducting the inquiry the Inspector shall have power to compel the attendance of witnesses and the production of books, documents and things, and to take evidence upon oath. 6 Edw. VII. c. 11, s. 208.

Contravention
of rules to be
an offence.

174. Non-compliance with any rule contained in section 164 shall be an offence against this Act, upon proof of which the owner, the agent or any contractor and foreman engaged in or about such mine shall each be guilty of an offence against this Act unless he establishes the fact that he has taken all reasonable means to prevent such non-compliance by publishing and to the best of his power enforcing such rules. 6 Edw. VII. c. 11, s. 211.

175. Where work in or about a mine is let to a contractor, or sub-contractor, he shall comply with all the rules and provisions of this Act for the prevention of accidents, and any breach thereof by him shall be an offence against this Act punishable in the like manner as if he were an owner or agent. 6 Edw. VII. c. 11, s. 210.

PART X.—OFFENCES, PENALTIES AND PROSECUTIONS.

176.—(1) Every person who

- (a) Prospects, occupies or works any Crown lands or mining rights for minerals otherwise than in accordance with the provisions of this Act, or 6 Edw. VII. c. 11, s. 103; Liability of contractors, etc.
- (b) Wilfully defaces, alters, removes or disturbs any post, stake, picket, boundary line, figure, writing or other mark lawfully placed, standing or made under this Act, or
- (c) Wilfully pulls down, injures or defaces any rules, or notice posted up by the owner or agent of a mine, or
- (d) Wilfully obstructs the Commissioner or any officer appointed under this Act in the execution of his duty, or
- (e) Being the owner or agent of a mine refuses or neglects to furnish to the Commissioner or to any person appointed by him or to any officer appointed under this Act the means necessary for making an entry, inspection, examination or enquiry in relation to any mine, under the provisions of this Act other than Part IX.; or
- (f) Unlawfully marks or stakes out in whole or in part a mining claim, a quarry claim, or a placer mining claim, or an area for a working permit or boring permit, or
- (g) Wilfully acts in contravention of the provisions of this Act other than Part IX. in any particular not hereinbefore set forth, or
- (h) Wilfully contravenes any provision of this Act or any rule or regulation made thereunder for the contravention of which no other penalty is provided; or
- (i) Attempts to do any of the acts mentioned in the foregoing clauses,

shall be guilty of an offence against this Act and shall incur Penalty.

incur a penalty not exceeding \$20 for every day upon which such offence occurs or continues, and upon conviction thereof shall be liable to imprisonment for a period not exceeding three months unless the penalty and costs are sooner paid. 6 Edw. VII., c. 11, ss. 103, 209.

Disobeying
order or award
of Commission-
er.

177. Every person who wilfully neglects or refuses to obey any order or award of the Commissioner except for the payment of money, shall, in addition to any other liability, incur a penalty not exceeding \$250, and upon conviction thereof shall be liable to imprisonment for a period not exceeding six months unless such penalty and costs are sooner paid. 6 Edw. VII. c. 11, s. 17.

Use of word
"Bureau"
prohibited.

178.—(1) No person who

- (a) Carries on the business of mining or dealing in mines, mining claims, mining lands, or mining rights, or the shares, stocks, or bonds of a mining company, or
- (b) Acts as broker or agent in or for the disposal of any mines, mining claims, mining lands, or mining rights, or of any such shares, stock or bonds, or
- (c) Offers or undertakes to examine or report on a mine, mining claim, mining land or mining rights,

shall use the word "Bureau" as the name or title or part of the name or title under which he acts or carries on business.

Penalty.

(2) Every person who contravenes the provisions of this section shall incur a penalty of not more than \$20 for every day upon which such offence occurs or continues, and upon conviction shall be liable to imprisonment for a period not exceeding three months unless such penalty and costs are sooner paid. 6 Edw. VII. c. 11, s. 46.

Liability of
owner or agent
offending
against
Part IX.

179.—(1) Every owner or agent who is guilty of an offence against Part IX. shall incur a penalty not exceeding \$50.

Other person so
offending.

(2) Every person other than an owner or agent engaged or employed in or about a mine who is guilty of an offence against Part IX. shall incur a penalty not exceeding \$10.

Additional
penalty for
continuing
offence.

(3) Where the Deputy Minister or an Inspector has given written notice to an owner or agent or any person engaged or employed in or about a mine that an offence has been committed against Part IX., such owner or agent or other person shall incur a further penalty not exceeding \$5 for every

every day upon which the offence continues after such notice.

(4) Every such owner or agent shall upon conviction be liable to imprisonment for a period not exceeding three months unless the penalty and costs are sooner paid, and every person other than an owner or agent so employed shall upon conviction be liable to imprisonment for a period not exceeding one month unless the penalty and costs are sooner paid. 6 Edw. VII. c. 11, ss. 212, 213.

180. No prosecution shall be instituted for an offence against Part IX. or any regulation made in pursuance thereof except

- (a) By an Inspector, or
- (b) By the direction of the County or District Crown Attorney, or
- (c) By the leave in writing of the Attorney-General;

or for an offence against any other of the provisions of this Act or of any rule or regulation made in pursuance thereof, except

- (a) By or by leave of the Commissioner or a Recorder,
- (b) By leave of the Attorney-General, or
- (c) By direction of the County or District Crown Attorney;

and no owner or agent or other person not being the actual offender shall be liable in respect of such offence if he proves that he had taken all reasonable means by notice or otherwise to comply with the provision or rule or regulation for a breach of which he is charged. 6 Edw. VII. c. 11, s. 214, *part*.

181.—(1) Except as to offences against section 12, every prosecution for an offence against this Act shall take place before a Police Magistrate or a Justice of the Peace having jurisdiction in the County or District in which the offence is committed, or before the Commissioner or a Recorder, and save as herein otherwise provided, the provisions of *The Ontario Summary Convictions Act* shall apply to every such prosecution. 6 Edw. VII. c. 11, s. 215.

(2) The prosecution shall be commenced within six months after the commission of the offence. (*New.*)

PART XI.—GENERAL PROVISIONS.

LIEN FOR WAGES.

182. The provisions of *The Mechanics' and Wage Earners' Lien Act* shall apply to mines, mining lands

lands or works connected therewith except that in the case of unpatented lands and mining rights the registration provided for by the said Act shall be in the office of the Recorder.

Mine workers
to have lien for
wages.

183. Every person who performs labour for wages in connection with any mine, mining claim, mining lands or works connected therewith shall have a lien thereon and upon any other property of the owner therein or thereon for such wages, not exceeding the wages for thirty days, or a sum equal to his wages for thirty days, and such lien may be enforced in the manner provided by section 182. 6 Edw. VII. c. 11, s. 188.

LIQUOR LICENSES.

Liquor licenses
forbidden
within six
miles of certain
mines.

184. Excepting in cities, towns, and incorporated villages, no license shall hereafter be issued under *The Liquor License Act* for any tavern, shop or club, not on the 14th day of May, 1906, under license for the sale of intoxicating liquor, within six miles of any mine or mining camp where six or more workmen are employed. 6 Edw. VII. c. 11, s. 199.

RIOT ACT.

Lieutenant-
Governor in
Council may
proclaim Riot
Act in Mining
Division.

185. The Lieutenant-Governor in Council may declare by proclamation that *The Act respecting Riots near Public Works* shall be in force in any Mining Division or in any defined locality therein, and upon and after the date named in any such proclamation section 1 and sections 3 to 11 inclusive of the said Act, shall take effect within the Mining Division or locality designated in the proclamation, and the provisions of the said Act shall apply to all persons employed in any mine or in mining within the limits of such Mining Division or locality in the same manner and to the same extent as nearly as may be as if the persons so employed had been specially mentioned and referred to in the said Act. 6 Edw. VII. c. 11, s. 190.

Rev. Stat., c. 38.

EXPLORATORY DRILLING.

Purchase of
drills for
prospecting
purposes.

186. The Minister may, out of any moneys appropriated for that purpose, purchase such diamond drills as he may deem necessary for use in prospecting for ores or minerals under rules and regulations made by the Lieutenant-Governor in Council, which may provide—

(a) For the control and working of the drills under the direction of a person employed for the purpose by the Bureau of Mines;

(b) For the payment of freight charges where the drills

drills are used upon mines or lands other than those owned by the Crown;

(c) As to applications for use of the drills and the method of dealing therewith;

(d) As to charges for use of the drills and for damages thereto, or wear and tear connected therewith,

and otherwise as to the Lieutenant-Governor in Council shall seem proper. 6 Edw. VII. c. 11, s. 187.

REGULATIONS BY ORDER IN COUNCIL.

187.—(1) The Lieutenant-Governor in Council may make such rules and regulations as he may deem necessary for carrying out the provisions of this Act or to meet cases which may arise for which no provision is made in the Act, or when he deems the provision made to be ambiguous or doubtful, and may impose penalties not exceeding \$200 or not exceeding three months' imprisonment for the violation of any such rule or regulation.

Lieutenant-Governor in Council may make regulations to carry out provisions of Act.

(2) The Lieutenant-Governor in Council may make such regulations as he may deem necessary for the opening, construction, maintenance and use of roads to, through or over mining claims, mining locations or lands heretofore or hereafter sold or granted as mining lands or recorded as mining claims or locations, and for the opening, construction, maintenance and use of ditches, aqueducts or raceways through, over or upon such claims, locations or lands for the conveying and passage of water for mining purposes.

Regulations as to making roads, ditches, etc.

(3) Rules and regulations made under the provisions of this section shall have force and effect only after the same shall have been published in the *Ontario Gazette*, and if made when the Assembly is sitting shall be laid before the Assembly during the then Session, and if made at any other time shall be laid before the Assembly within the first fifteen days of the Session next after the date thereof, and in case the Assembly at such Session, or if the Session does not continue for three weeks after such rules or regulations are laid before the Assembly, at the ensuing Session, disapproves by resolution of such rule or regulation either wholly or in part, the rule or regulation, so far as the same is disapproved, shall have no effect from the time such resolution is passed. 6 Edw. VII. c. 11, s. 7.

Regulations to be published in *The Ontario Gazette* and laid before Assembly.

FEES.

188. Fees shall be payable under this Act according to the tariff in the Schedule hereto, and except as otherwise mentioned

Fees.

mentioned shall be for the use of the Province. 6 Edw. VII. c. 11, s. 184.

ON CANCELLATION OF PATENT, LANDS AND RIGHTS TO REVEST
IN CROWN.

Lands and
mining rights
to be with-
drawn from
exploration
on repeal of
patent or
lease at
instance of
Crown.

189. Whenever a patent or lease of mining lands, or mining rights is by proceedings in the High Court at the instance of the Crown repealed or avoided, such lands and mining rights shall thereupon become and be withdrawn from exploration, discovery, staking out, lease, or sale; and every discovery upon and claim to such lands or mining rights and to the mines or minerals on, in or under such lands made or existing at any time before the repeal or avoidance of the patent or lease shall become and be absolutely null and void; and such lands, mining rights, mines and minerals shall be thenceforth vested in the Crown freed and discharged of and from every claim. 6 Edw. VII. c. 12, s. 3.

DEFAULT OF LESSEE UNDER MINES ACT, 1897.

Forfeiture of
leases under
Rev. Stat. c. 36

190. If default is made by the lessee of a mining location leased under the authority of *The Mines Act*, chapter 36 of the Revised Statutes of Ontario, 1897, in the payment of rent the lease shall be forfeited, but the lessee may defeat the forfeiture by payment of the full amount of rent within ninety days from the day when the same became payable; and in default thereof the lease shall be absolutely forfeited and void, any statute or law to the contrary notwithstanding, and all claims of the lessee or his assigns shall from and after such period forever cease and determine. R.S.O. 1897. c. 36, s. 36.

Default made
by one of sev-
eral co-owners
or co-lessees,

191.—(1) Upon the failure of any one or more of several co-owners or co-lessees of a location to contribute his or their proportion of the expenditures or of the rental necessary to hold such location, the co-owners or co-lessees who have performed the labour or made the improvements or paid the rent as required by the provisions of *The Mines Act*, chapter 36 of the Revised Statutes of Ontario, 1897, may, at the expiration of the year, give such delinquent co-owner or co-lessee, or in case of his death, his personal representative notice in writing, served personally or by registered post, addressed to his last known place of abode calling upon him to make the necessary payment; and if upon the expiration of three calendar months from such notice the delinquent co-owner or co-lessee or his personal representative shall have failed to contribute his proportion to meet such expenditures or rental, upon report thereof by the Deputy Minister of Mines, the Minister of Lands, Forests

Forests and Mines may order that the interest of the delinquent co-owner or co-lessee in the location shall become the property of and be vested in his co-lessees or co-owners who have made the expenditures or paid the rent, or if the Minister thinks fit to refer the matter to the High Court, the Court shall have authority to make the like order. R.S.O. 1897, c. 36, s. 37.

(2) In case of the death of a delinquent co-owner or co-lessee either before or after default in respect of his share, and no person has taken out administration to his estate or has obtained probate of his will, the notice provided for in the preceding subsection may be given to his heirs.

192. The next two preceding sections shall be deemed to have been in force in the same manner and to the same extent as if chapter 36 of the Revised Statutes, 1897, had not been repealed, and it is declared that the Minister of Lands and Mines and the Minister of Lands, Forests and Mines have each had all the powers by the said Revised Statute conferred upon the Commissioner of Crown Lands with respect to the matters provided for by the said sections and that the Deputy Minister of Mines has had with respect to such matters, all the powers by the said Revised Statutes conferred upon the Director of the Bureau of Mines.

Death of delinquent.

Sections 182, 183 to be a continuation of the provisions of Rev. Stat. c. 36.

REPEAL.

193. *The Mines Act, 1906*, (except subsection 2 of section 3 and sections 4 and 5), and all amendments to the said Act, (except the amendment to the said subsection 2), and section 3 of the Act passed in the sixth year of His Majesty's reign, Chaptered 12, are repealed.

6 Edw. VII. c. 11 and amendments and 6 Edw. VII. c. 12, s. 3 repealed.

194. This Act shall not come into force until the 15th day of May, 1908.

SCHEDULE.

THE MINING ACT OF ONTARIO.

APPENDIX OF FORMS.

- Form 1. Miner's License. (See sec. 23 (1).)
 " 2. Affidavit verifying copy of license to Company to transact business in Ontario. (See sec. 23 (6).)
 " 3. Renewal of Miner's License. (See sec. 27.)
 " 4. Application to record a Mining Claim. (See sec. 59 (1).)
 " 5. Application for a Free Grant. (See sec. 59 (2).)
 " 6. Affidavit of discovery and staking out of a Mining Claim. (See sec. 59 (3).)
 " 7. Affidavit showing right to Free Grant. (See sec. 59 (3).)
 " 8. Dispute against a Recorded Claim. (See sec. 63 (1).)
 " 9. Affidavit verifying a dispute. (See sec. 63 (1).)
 " 10. Certificate of Record of the staking out of a Mining Claim. (See sec. 64).

Form

- Form 11. Transfer of unpatented Mining Claim. (*See* sec. 72.)
 " 12. Affidavit of execution of transfer or other instrument. (*See* sec. 73.)
 " 13. Certificate that interest in claim in question. (*See* sec. 77 (2).)
 " 14. Report of work. (*See* sec. 78 (3).)
 " 15. Affidavit verifying report of work. (*See* sec. 78 (3).)
 " 16. Certificate of performance of working conditions. (*See* sec. 78 (4).)
 " 17. Notice of intention to perform on one claim work for contiguous claims. (*See* sec. 78 (5).)
 " 18. Notice of abandonment of a Mining Claim, etc. (*See* sec. 82 (1).)
 " 19. Application for a Working Permit. (*See* sec. 94, par. (b).)
 " 20. Affidavit to accompany application for Working Permit. (*See* sec. 94, par. (b).)
 " 21. Certificate of Recorder of application for Working Permit to be affixed to No. 1 post. (*See* sec. 94, par. (c).)
 " 22. Working Permit. (*See* sec. 94 (2).)
 " 23. Notice of application for Working Permit to be posted up by Mining Recorder in his office. (*See* sec. 95).
 " 24. Notice of issue of Working Permit to be affixed to No. 1 post. (*See* sec. 97).
 " 25. Transfer of Working Permit. (*See* sec. 100).
 " 26. Renewal of Working Permit. (*See* sec. 101).
 " 27. Application for Patent of a Mining Claim. (*See* sec. 106 (2).)
 " 28. Boring Permit. (*See* sec. 119 (2).)
 " 29. Application for Boring Permit. (*See* sec. 119, par. (b).)
 " 30. Affidavit to accompany application for Boring Permit (*See* sec. 119, par. (b).)
 " 31. Transfer of interest in Boring Permit. (*See* sec. 119 (7).)
 " 32. Certificate of Mining Partnership. (*See* sec. 122 (1).)
 " 33. Revocation of appointment of agent of a Mining Partnership. (*See* sec. 122 (5).)
 " 34. Certificate of appointment of new agent of a Mining Partnership. (*See* sec. 122 (5) and (6).)
 " 35. Transfer of share in a Mining Partnership. (*See* sec. 122 (7).)
 " 36. Dissolution of a Mining Partnership. (*See* sec. 122 (9).)
 " 37. Notice of Appeal to Mining Commissioner. (*See* sec. 133 (3).)
 " 38. Notice of claim or dispute. (*See* sec. 136 (4).)

— — —
 (Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 1. (*See* sec. 23.)

Department of Lands, Forests and Mines.

No.

Fee \$

(*Name of place of issue and date of issue.*)

190 .

MINER'S LICENSE.

This License is issued to _____ of _____ called the
 Licensee, of the _____ of _____ in consideration of
 the payment of a fee of _____ dollars, under and subject to
 the provisions of *The Mining Act of Ontario*, to be in force until and
 including _____

including the 31st day of March next succeeding the date hereof,
and is not transferable.

Mining Recorder of

Mining Division.

Stub for Form 1.

MINER'S LICENSE.

No.

Fee \$

Name of Mining Division

Name of licensee

Of

Date of issue

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 2. (See sec. 23 (6).)

Department of Lands, Forests and Mines.

AFFIDAVIT VERIFYING COPY OF LICENSE TO A COMPANY TO TRANSACT
BUSINESS IN ONTARIO.

County (or District) of { I,
To Wit: { of the of
 { in the of
 { make oath and say:

1. That I am Secretary (or President, etc.) of (a)
2. That hereto annexed is a true copy of the license issued by the
Provincial Secretary of the Province of Ontario, authorizing (a)
to transact business in the Province of Ontario.

Sworn before me at {
in the {
this { day of
190 {

*A Commissioner for taking affidavits, or
Notary Public, or Mining Recorder.*

(a) Insert corporate name in full.

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 3. (See sec. 27.)

Department of Lands, Forests and Mines.

No. of License Renewed

Fee \$

No. of Renewal

(Place and date of issue of Renewal.)

RENEWAL OF MINER'S LICENSE.

This Renewal of Miner's License No. _____ issued by the Mining Recorder of _____ Mining Division, on the _____ day of _____, 190____, to _____ of _____ called the licensee, is issued to the licensee in consideration of the payment of the fee of _____ dollars, and under and subject to the provisions of *The Mining Act of Ontario*, renews the said license until and including the 31st day of March next succeeding the date hereof, and is not transferable.

Mining Recorder of _____

Mining Division.

Stub for Form 3.

RENEWAL OF MINER'S LICENSE.

No. of License Renewed _____ Fee \$ _____
 No. of Renewal _____
 Name of Licensee _____
 Name of Mining Division _____
 Date of issue of original License _____
 Date of issue of Renewal _____

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 4. (See s. 59 (1).)*Department of Lands, Forests and Mines.*

APPLICATION TO RECORD THE STAKING OUT OF A MINING CLAIM.

To the Mining Recorder of _____

Mining Division:—

Application is hereby made under the provisions of *The Mining Act of Ontario* to record the staking out of a mining claim containing _____ acres or thereabouts, composed of the area shown on the sketch or plan hereto attached and more particularly described as follows:—

The lengths of the outlines of the claim are as follows:—

The name of the claim is _____

The discovery post is situate _____ feet from No. 1 post.

The discovery of valuable mineral in place, upon which this claim is based, was made on the _____ day of _____, 190____, at _____ o'clock _____ m., by _____, holder of miner's license No. _____.

The claim was staked out and the lines cut and blazed thereon on the _____ day of _____, 190____.

The claim was staked out and is to be recorded in the name of _____, who resides at _____, whose post office address is _____, and who is holder of miner's license No. _____, dated the _____ day of _____, 190____, issued by the Mining Recorder of _____ Mining Division.

Dated at _____, this _____ day of _____, 190____.

Name of applicant. License number.

Note.

Note.—If the applicant is not a resident of Ontario the name, residence and post office address of some person resident in Ontario upon whom service may be made must be given as follows:—

Service may be made upon _____, who resides at _____, in Ontario, and whose post office address is _____.

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 5. (See sec. 59 (2).)

Department of Lands, Forests and Mines.

APPLICATION FOR A FREE GRANT.

To the Mining Recorder of Mining Division.

The undersigned, holder of Miner's License No. _____, issued by the Mining Recorder of _____ Mining Division, claims to be the first discoverer of valuable metal, ore or mineral, at a point which is not less than five miles from the nearest known mine, vein, lode or deposit of the same kind of metal, ore or mineral, as follows:

The discovery by me is of (a)

The location of the discovery is as shown on the accompanying sketch or plan.

The nearest mine, vein, lode or deposit of the same kind of metal, ore or other mineral, known to me, is at _____

I claim to be entitled to the said mining claim without payment of purchase price according to *The Mining Act of Ontario*.

I reside at _____, and my post office address is _____

Dated at this day of 190 .

Name of Licensee.

Post office address of Licensee.

(a) State the kind of metal, ore or mineral.

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 6. (See s. 59 (3).)

Department of Lands, Forests and Mines.

AFFIDAVIT OF DISCOVERY AND STAKING OUT OF A MINING CLAIM.

County (or District) of } I, _____ of the _____
to Wit: } of _____ in the _____
of _____

Holder of miner's license No. _____, dated the _____ day
of _____, 190____, issued by the Mining Recorder of
Mining Division, make oath and say:

1. That on the _____ day of _____ 190____, at the
hour of _____ o'clock _____ m., I discovered valuable mineral
in place upon the lands comprised in the mining claim described
and shown in the application and sketch or plan hereto attached,
19 s. _____ and _____

and such discovery consisted of

(Give particulars of discovery, kind of ore or mineral, also, if possible, kind of rock enclosing it.)

2. That the said claim was staked out upon the said discovery on the _____ day of _____, 190____, as shown in the said application and sketch or plan hereto attached.

3. That the distances given in the said application and sketch or plan are as accurate as they could reasonably be ascertained, and that all the other statements and particulars set forth and shown in the said application and sketch or plan are true and correct.

4. That at the time of such staking out there was nothing upon the said lands to indicate that they were not open to be staked out as a mining claim, and I verily believe that they were so open and that the said staking out is valid and should be recorded.

5. That there are upon the said lands or the lot or part lot or section of which they form a part no buildings, clearing or improvements for farming or other purposes, except as follows:—

Sworn before me at
in the _____ of
this _____ day of
A.D. 190____

Mining Recorder of

Mining Division

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 7. (See sec. 59 (3).)

Department of Lands, Forests and Mines.

AFFIDAVIT SHOWING RIGHT TO FREE GRANT.

County (or District) of _____ } I, _____ of
To Wit: _____ } in the _____ of
make oath and say:

1. That the statements contained in the application by _____, holder of Miner's License No. _____ hereto annexed, for a Free Grant of _____ No. _____, are true and correct in every particular.

Sworn before me at
in the _____ of
this _____ day of
A.D. 190____

Mining Recorder of

Mining Division.

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 8. (See s. 63 (1).)

Department of Lands, Forests and Mines.

DISPUTE AGAINST A RECORDED CLAIM.

To the Mining Recorder of
19a s.

Mining Division:—
I.

I, _____, holder of miner's license No. _____, hereby dispute Mining Claim No. _____, recorded in the name of _____, upon the lands known and described as _____

1. The said claim is illegal or invalid because (*state fully how and why illegal or invalid*).

2. (*If it is claimed that the disputant or another licensee in whose behalf he is acting is entitled to be recorded for or is entitled to any right or interest in the lands or mining rights, or any part thereof, a statement to that effect must here be inserted, giving particulars.*)

I reside at _____, and my post office address is _____.

Dated this _____ day of _____, 190 _____.

Signature of disputant
Address for service
(*This must be a place within 5 miles of the Recorder's office.*)

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 9. (See sec. 63 (1).)

Department of Lands, Forests and Mines.

AFFIDAVIT VERIFYING DISPUTE.

County (or District of) }
To wit: }

I, _____ of the _____ of _____, holder of Miner's License No. _____, make oath and say:—

- 1. I am the licensee signing the dispute attached hereto.
- 2. I have personal knowledge of the matters in said dispute mentioned, and I swear that the statements therein set forth are true and correct in substance and in fact.
- 3. The said dispute is, as I verily believe, one that is justified according to *The Mining Act of Ontario*, and the said dispute is not made for any improper purpose.

Sworn before me at _____ in the _____ of _____ this _____ day of _____ A.D. 190 _____.

Mining Recorder of
Mining Division.

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 10. (See sec. 64.)

Department of Lands, Forests and Mines.

No. _____ Fee \$ _____
CERTIFICATE

CERTIFICATE OF RECORD OF STAKING OUT OF MINING CLAIM.

I hereby certify that I have this day granted to _____ of
the holder of miner's license No. _____, dated
day of _____ 190 _____, (issued by the Mining
Recorder of the _____ Mining Division), a certificate of
record of mining claim No. _____, known as _____ containing
_____ acres, more or less.

Dated at _____ this _____ day of _____ 190 _____.

Mining Recorder of _____ Mining Division.

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form. 11. (See sec. 72.)

Department of Lands, Forests and Mines.

TRANSFER OF AN UNPATENTED MINING CLAIM.

The undersigned, holder of miner's license No. _____ issued
by the Mining Recorder of _____ Mining Division,
in consideration of the sum of _____ dollars (receipt whereof is
hereby acknowledged), doth hereby transfer to
who resides at _____, whose post office address is
and who is holder of miner's license No. _____ issued by the Min-
ing Recorder of _____ Mining Division (a) the
interest of the undersigned in Mining Claim No. _____ in the
Mining Division, particularly described as follows:

Dated at _____ this _____ day of _____ 190 _____.

Witness, _____ Signature of Transferor.

Note 1.—If transferee is not a resident of Ontario the name, resi-
dence and post office address of some person resident in Ontario,
upon whom service may be made, must be given, as follows: Service
may be made upon _____, who resides at _____,
in Ontario, and whose post office address is _____.

Note 2.—Affidavit, Form 12, must be attached.

(Coat of Arms).

THE MINING ACT OF ONTARIO.

Form 12. (See sec. 73.)

Department of Lands, Forests and Mines.

AFFIDAVIT OF SUBSCRIBING WITNESS VERIFYING TRANSFER OR OTHER INSTRUMENT.

County or District of _____
I, _____ of the _____ of _____, in the County (or
District) of _____, make oath and say:—

1. That I was personally present and did see the annexed (or
within) instrument signed and executed by _____, one of the
parties thereto;

2.

2. That the said instrument was executed at _____ ;
 3. That I know the said party;
 4. That I am a subscribing witness to the said instrument.
 Sworn before me at _____
 in the _____
 of _____ this _____
 day of _____ 19 _____

 (Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 13. (See sec. 77 (2).)

Department of Lands, Forests and Mines.

CERTIFICATE THAT INTEREST IN CLAIM IN QUESTION.

I certify that in a proceeding commenced by _____
 who resides at _____, and whose post office address is _____
 _____, an interest is called in question in Mining Claim
 (or as the case may be) No. _____, recorded in _____ Mining
 Division in the name of _____ upon the following lands:
 The nature of the proceeding is _____

Dated this _____ day of _____, 190 _____.

Mining Commissioner or Mining Recorder.

 (Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 14. (See sec. 78 (3).)

Department of Lands, Forests and Mines.

REPORT OF WORK. (a)

To the Mining Recorder of _____ Mining Division:

I, the undersigned, holder of Miner's License No. _____, (issued
 by the Mining Recorder of _____ Mining Division), being
 the holder of (b) _____ No. _____ hereby notify you that I
 (c) have performed thereon the mining operations required by
 The Mining Act of Ontario, as follows:

I reside at _____, and my post office address is _____

Dated at _____ this _____ day of _____ 190 _____.

Name of Licensee.

(a) This report must be filed with the Mining Recorder not later
 than ten days after the time within which such mining operations
 are required to be performed.

(b) State whether mining claim, quarry claim or working permit.

(c) I, _____, on my behalf, (as the case may be).

(Coat

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 15. (See sec. 78 (3).)*Department of Lands, Forests and Mines.*

AFFIDAVIT VERIFYING REPORT OF WORK.

County (*or District*) of { I,
To Wit: { of the of
in the of
make oath and say:

1. That the statements contained in the annexed report by the holder of Miner's License No. to the Mining Recorder of Mining Division, relating to the performance of mining operations on (a) No. are true and correct in every particular.

2. That the statement contained in the preceding paragraph is based upon the following information:

Sworn before me at the
of
in the
this day of
A.D. 190 .

*Name of Licensee.**P. O. address of Licensee.*

Mining Recorder of Mining Division.

a) State whether mining claim, quarry claim or working permit.

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 16. (See sec. 78 (4).)*Department of Lands, Forests and Mines.*

No.

Fee \$

Name of place of issue and date of issue.

190 .

CERTIFICATE OF PERFORMANCE OF WORKING CONDITIONS. (a)

This is to certify that of , holder of miner's license No. (issued by Mining Recorder of Mining Division) licensee of (a) has performed all necessary mining operations on the said (a) to my satisfaction for the period of months (or year) ending the day of 190 .

Mining Recorder.

(a) State whether mining claim, quarry claim or working permit.
Stub

Stub for Form 16.

No.

Date

Name of Licensee

Number of License

Name of mining claim

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 17. (See sec. 78 (5).)

Department of Lands, Forests and Mines.

NOTICE OF INTENTION TO PERFORM ON ONE MINING CLAIM WORK FOR CONTIGUOUS CLAIMS.

To the Mining Recorder of the Mining Division:
I, the undersigned, holder of Miner's License No. , issued by
the Mining Recorder of Mining Division) hereby
notify you that I am holder of mining claims numbers
and , which are contiguous to each other, and
that during the years 190 and 190 it is my intention to per-
form upon said mining claim No. all the work required by the
provisions of *The Mining Act of Ontario*, to be performed upon said
mining claims.

I reside at , and my post office address is .

Dated at this day of 190 .

Name of Licensee.

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 18. (See sec. 82 (1).)

Department of Lands, Forests and Mines.

NOTICE OF ABANDONMENT OF A MINING CLAIM, ETC.

To the Mining Recorder of Mining Division:

The undersigned, holder of miner's license No. issued by
the Mining Recorder of Mining Division, and
holder of mining claim No. hereby abandons all interest in
said mining claim, and authorizes you to record such abandonment
in the books of your office.

I reside at , and my post office address is .

Dated at this day of 190 .

Name of Licensee.

P.O. address of Licensee.

Note.—If quarry claim, working permit or boring permit, modify
form accordingly.

(Coat

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 19. (See sec. 94, par. (b).)*Department of Lands, Forests and Mines.*

APPLICATION FOR WORKING PERMIT.

The undersigned _____, holder of miner's license
 No. _____ dated the _____ day of _____ 190____,
 issued by the Mining Recorder of the _____ Mining
 Division, hereby applies to the Mining Recorder of the _____
 Mining Division for a working permit of the area consisting of
 _____ acres, more or less, according to the sketch or plan
 attached hereto, more particularly described as follows:

The area was staked out and the lines cut and blazed on the
 _____ day of _____ 190____, and the name by which
 the said area may be known is _____
 I reside at _____, and my post office address is _____
 Dated at _____ this _____ day of _____ 190____.

Signature of licensee in full.

Note.—If the applicant is not a resident of Ontario, the name,
 residence and post office address of some person resident in Ontario,
 upon whom service may be made, must be given, as follows:—

Service may be made upon _____, who resides at
 _____, in Ontario, and whose post office address
 is _____.

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 20. (See sec. 94, par. (b).)*Department of Lands, Forests and Mines.*

AFFIDAVIT TO ACCOMPANY APPLICATION FOR WORKING PERMIT.

County (or District) of _____

To Wit: _____

I, _____ of the _____
 of _____ in the _____
 of _____
 holder of Miner's license No. _____
 dated _____ 190____
 issued by the Mining Recorder
 of _____
 Mining Division, make oath
 and say:

1. That the sketch or plan hereto attached is correct and cor-
 rectly shows the location of the posts referred to in the annexed
 application for working permit, and their distances from each
 other in feet as accurately as I could reasonably ascertain the
 same, and all the other statements in said application are true and
 correct.

2. That at the time of staking out the area described in said
 application there was nothing on said area to indicate that it was
 not open to be staked for a working permit, and I know of no rea-
 son why said application is not valid, and I verily believe that I
 am entitled under the provisions of *The Mining Act of Ontario*, to
 make the said application.

3. That the application for the said working permit is made on behalf of _____ of the _____ of _____ in the _____ of _____, holder of miner's license No. _____ dated the _____ day of _____ 190 _____, issued by the Mining Recorder of _____ Mining Division.

Sworn before me at the _____
of _____
in the _____
of _____ this _____
day of _____
A.D. 190 _____

Mining Recorder of

Mining Division.

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 21. (See sec. 94, par. (c).)

Department of Lands, Forests and Mines.

CERTIFICATE OF MINING RECORDER OF APPLICATION FOR WORKING PERMIT TO BE AFFIXED TO No. 1 POST.

The undersigned hereby certifies that _____ of _____, the holder of miner's license No. _____, dated the _____ day of _____ 190 _____, and issued by the Mining Recorder of the _____ Mining Division has this day applied to me for a working permit of the area described as follows:

said to have been staked out by said licensee for himself or _____ holder of miner's license No. _____ dated the _____ day of _____ 190 _____, issued by the Mining Recorder of the _____ Mining Division, (or, as the case may be), on the _____ day of _____ 190 _____.

Dated at _____ the _____

day of _____ 190 _____.

Mining Recorder of

Mining Division.

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 22. (See sec. 94 (2).)

Department of Lands, Forests and Mines.

No. _____

Fee \$5.00.

WORKING PERMIT.

Pursuant to the provisions of *The Mining Act of Ontario*, and subject thereto, a Permit is hereby granted to _____ of _____, the holder of License No. _____, dated this _____ day of _____ 190 _____, issued by the Mining Recorder of _____ Mining Division to enter into exclusive possession, for the purpose of prospecting for minerals, of the area consisting of _____ acres, more or less, defined in the sketch or plan attached hereto, and more particularly described as follows:

and

and to work thereon during the period of six months from the day of the date hereof, together with such renewal (if any) as is contained in the renewal hereof endorsed hereon.

Dated at this day of 190 .

Mining Recorder of

Mining Division.

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 23. (See sec. 95.)

Department of Lands, Forests and Mines.

NOTICE TO BE POSTED UP BY THE MINING RECORDER IN HIS OFFICE OF THE APPLICATION FOR A WORKING PERMIT.

Notice is hereby given that of
the holder of Miner's License No. , dated the day of
190 , and issued by the Mining Recorder of
Mining Division, has this day applied to me for
a Working Permit of the area described as follows:

said to have been staked out by said licensee for himself, or
holder of Miner's License No. , dated the
day of 190 , issued by the Mining Recorder of
Mining Division, (or as the case may be)
on the day of 190 .
Dated at the day of 190 .

Mining Recorder of

Mining Division.

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 24. (See sec. 97.)

Department of Lands, Forests and Mines.

NOTICE OF ISSUE OF WORKING PERMIT TO BE AFFIXED TO NO. 1 POST.

I hereby give notice that on the day of 190 ,
a Working Permit, under the provisions of *The Mining Act of Ontario*, was issued by me to , the holder of License
No. , dated the day of 190 ,
issued by the Mining Recorder of the Mining
Division, such Working Permit being for (insert description of
land) and to run for six months from the day of the date of same.

Dated at this day of 190 .

Mining Recorder of

Mining Division.

(Coat

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 25. (See sec. 100.)*Department of Lands, Forests and Mines.*

TRANSFER OF WORKING PERMIT.

The undersigned, holder of miner's license No. _____ (issued by the Mining Recorder of _____ Mining Division), in consideration of the sum of _____ dollars, (receipt whereof is hereby acknowledged), hereby transfers to _____, who resides at _____, and whose post office address is, _____, and who is holder of miner's license No. _____ (issued by the Mining Recorder of _____ Mining Division), (a) _____ of the undersigned, in Working Permit No. _____, dated the _____ day of _____ 190____, issued by the Mining Recorder of _____ Mining Division.

Dated at _____ this _____ day of _____ 190____.

Witness.

Signature of Transferor.

Post office address of Transferor.

(a) State interest transferred.

Note.—Affidavit, Form 12, must be attached. If transferee is not a resident of Ontario, an address for service must be given, as shown in note under Form 11.

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 26. (See sec. 101.)*Department of Lands, Forests and Mines.*

RENEWAL OF WORKING PERMIT.

(To be endorsed on original Working Permit.)

The period within which _____ of _____ holder of miner's license No. _____, is authorized to have exclusive possession, for the purpose of prospecting for minerals, of the area described in Working Permit No. _____, and to work same, is hereby renewed and extended until and including the _____ day of _____, 190____.

Dated at _____ this _____ day of _____ 190____.

Mining Recorder of _____

Mining Division.

(Coat

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 27. (See sec. 106 (2).)*Department of Lands, Forests and Mines.*

APPLICATION FOR PATENT OF A MINING CLAIM.

To the Mining Recorder of

Mining Division:

The undersigned, holder of Miner's License No. _____, (issued by the Mining Recorder of _____ Mining Division) and as holder of Mining Claim No. _____, applies for the issue of a patent thereof.

All work to be performed thereon has been duly performed, and I now hand you _____ dollars, the purchase money thereof, and request the issue of a patent thereof to _____ of _____ being the holder of Miner's License No. _____ (issued by the Mining Recorder of _____ Mining Division).

I reside at _____, and my post office address is _____.

Dated at _____ this _____ day of _____ 190 _____.

Name of Licensee Applicant.

Note.—If the applicant is not a resident of Ontario, an address for service must be given as shown in note under Form 4.

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 128. (See sec. 119 (1).)*Department of Lands, Forests and Mines.*

No.

Fee \$

BORING PERMIT. (a).

Pursuant to the provisions of *The Mining Act of Ontario*, and subject thereto, a Boring Permit is hereby granted to _____ of _____, the holder of Miner's License No. _____ dated the _____ day of _____ 190 _____, issued by the Mining Recorder of _____ Mining Division, to enter upon and prospect the area set forth and described in the sketch or plan attached hereto, for petroleum, natural gas, coal or salt, and to work thereon during a period of one year from the day of the date hereof.

Dated at _____ }
this _____ day of _____ }
A.D. 190 _____ }

Minister of Lands, Forests and Mines.

(a) This permit is to be in duplicate, and one of such duplicates is to be retained in the office of the Bureau of Mines.

(Coat

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 29. (See sec. 119 (b).)*Department of Lands, Forests and Mines.*

APPLICATION FOR BORING PERMIT. (a)

The undersigned, _____, holder of Miner's License No. _____, dated the _____ day of _____ 190____ (issued by the Mining Recorder of _____ Mining Division), hereby applies to the Mining Recorder of _____ Mining Division, for a Boring Permit to prospect for petroleum, natural gas, coal or salt, of the area consisting of _____ acres, more or less, according to the sketch or plan attached hereto, more particularly described as follows:

The area was staked out and posts were planted on the _____ day of _____ 190____, and the name by which the said area may be known is _____

I reside at _____, and my post office address is _____.

Dated at _____ this _____ day of _____ 190____.

Signature of Licensee in full.

(a) This form must be in duplicate.

Note.—If the applicant is not a resident of Ontario, an address for service must be given as shown in note under Form 4.

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 30. (See sec. 119 (b).)*Department of Lands, Forests and Mines.*

AFFIDAVIT TO ACCOMPANY APPLICATION FOR BORING PERMIT. (a)

County (or District) of _____
To Wit: _____

I,
of the
of
in the
of
make oath and say:

1. That I am the holder of Miner's License No. _____, dated the _____ day of _____ 190____, issued by the Mining Recorder of _____ Mining Division.

2. That the sketch or plan hereto attached is correct, and correctly shows the location of the posts referred to and the distance from each in feet, and all the statements and particulars set out in the said application are true and correct.

3. That I have no knowledge of and have never heard of any adverse claim to the issuing of a Boring Permit in the area described in the said application.

4. That the said application for said Boring Permit is made on behalf of _____ of _____, holder of Miner's License No. _____ issued by the Mining Recorder of _____ Mining Division.

Sworn before me at _____
in the _____
of _____
this _____ day of _____
A.D. 190.

Mining Recorder of _____

Mining Division.

(a) This affidavit must be in duplicate.

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 31. (See sec. 119 (7).)

Department of Lands, Forests and Mines.

TRANSFER OF INTEREST IN A BORING PERMIT.

The undersigned, holder of Miner's License No. _____ (issued by the Mining Recorder of _____ Mining Division), in consideration of the sum of _____ dollars (receipt whereof is hereby acknowledged), hereby transfers to _____, who resides at _____, and whose post office address is _____, holder of Miner's License No. _____ (issued by the Mining Recorder of _____ Mining Division), (a) _____ of the undersigned in Boring Permit No. _____, dated the day of _____ 190, issued by the Minister of Lands, Forests and Mines.

Dated at _____ the _____ day of _____ 190

Signature of Transferor.

Post office address of Transferor.

Note—Affidavit, Form 12, must be attached, and if the transferee is not a resident of Ontario, an address for service as shown in note under Form 11 must be given.

(a) State interest transferred.

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 32. (See sec. 122 (1).)

Department of Lands, Forests and Mines.

CERTIFICATE OF A MINING PARTNERSHIP.

This is to certify that the undersigned have formed a mining partnership, and that the following particulars thereof are true and correct:

(a)

(a) The names in full and addresses of all the partners are as follows:

(b) The name under which the partnership is to be conducted is as follows:

(c) The total number of shares into which said partnership is divided is:

(d) The number of shares of said partnership owned by each partner is as follows:

(e) 1. The said partnership commenced on the _____ day of _____ 190

2. The date at which the partnership is to terminate is _____

(f) The name, address and occupation of the agent (a) of the partnership with whom all contracts may be made or entered into on behalf of the partnership is as follows:

Dated at _____ the _____ day of _____ 190 .
A.D. 190 .

Signatures of Members of Partnership.

The undersigned, being the duly appointed Agent of the above-named partnership referred to in this certificate thereof, hereby consents to act as Agent of the said partnership.

Dated at _____ this _____ day of _____ 190 .

Name of Agent.

P. O. address of Agent.

Witness:

(a) The Agent must be some individual resident in Ontario or an incorporated company having its head office in Ontario.

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 33. (See sec. 122 (5).)

Department of Lands, Forests and Mines.

REVOCATION OF APPOINTMENT OF AN AGENT OF A MINING PARTNERSHIP.

The undersigned being the majority in interest for the time being of the recorded members of the mining partnership known as " _____ " hereby revoke the appointment of _____ of the heretofore agent of the said partnership, and hereby appoint _____ of _____ to be agent of the said partnership in the place and stead of the said _____

Dated at _____ this _____ day of _____ A.D. 190 .

Witness:

Signatures of Partners.

The undersigned, being the Agent above mentioned, hereby consents to act as Agent of the said partnership.

Name of Agent.

P. O. address of Agent.

(Coat

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 34. (See sec. 122 (5) and (6).)

Department of Lands, Forests and Mines.

CERTIFICATE OF APPOINTMENT OF A NEW AGENT OF A MINING PARTNER-
SHIP.

The undersigned, being the majority in interest for the time being of the recorded members of mining partnership known as "_____" hereby appoint _____ of the _____ in the _____ of _____ to be the agent of the said partnership in the place and stead of _____ of _____ formerly Agent of the said partnership, and now deceased.

Dated at this day of 190 .

Witness:

Signatures of Partners.

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 35. (See sec. 122 (7).)

Department of Lands, Forests and Mines.

TRANSFER OF SHARE IN A MINING PARTNERSHIP.

The undersigned, member of the mining partnership known as "_____" in consideration of the sum of _____ dollars (receipt of which is hereby acknowledged) hereby transfers to _____ of the _____ of _____ in the county of _____ share in said mining partnership, and hereby authorizes the Mining Recorder of _____ Mining Division to record the transfer thereof in the books of his office.

Dated at this day of 190

Witness:

Name of Partner.

Post office address.

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 36. (See sec. 122 (9).)

Department of Lands, Forests and Mines.

DISSOLUTION OF A MINING PARTNERSHIP.

This is to certify that the mining partnership which has heretofore existed between the undersigned, under the name of "_____," is hereby dissolved, and the Mining Recorder of _____ Mining Division is hereby authorized to record the dissolution thereof in the books of his office.

Dated

Dated at this day of 190 .

Witness:

Signatures of Partners.

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 37. (See sec. 133 (3).)

Department of Lands, Forests and Mines.

NOTICE OF APPEAL TO THE MINING COMMISSIONER.

In the Matter of Mining Claim No. (or as the case
may be) Lot in the Concession, in the
Township of (or as the case may be)
Mining Division.

Take notice that (I) holder of Miner's License No. hereby appeal to the Mining Commissioner from the decision (or act or refusal) of the Mining Recorder given (or done) on the day of 190 , wherein (or by which) he (state briefly what is appealed against).

The grounds of objection to said decision (or act or refusal) are (state briefly in what respect and why the decision (or act or refusal) is claimed to be wrong).

I reside at , and my post office address is

Dated this day of , 190 .

Name of Appellant.....
Address for Service.....
(This must be a place within 5 miles from
the Recorder's Office.)

To the Mining Recorder of
Mining Division. }
And to (names of adverse parties, if
any). }

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 38. (See sec. 136 (4).)

Department of Lands, Forests and Mines.

NOTICE OF CLAIM OR DISPUTE.

Take notice that I claim (or dispute) (state the nature of the claim or dispute) and that the grounds of my claim (or dispute) are the following, (state briefly but clearly the nature of the claim or dispute).

I reside at , and my post office address is

Dated the day of 19 .

To C. D.

20 s.

A.B.
Note.

Note.—If the person giving the notice is not a resident of Ontario, the name, residence and address of some person resident in Ontario, upon whom service may be made, must be given as follows:—

Service may be made upon _____, who resides at _____, in Ontario, and whose post office address is _____

THE MINING ACT OF ONTARIO.

SCHEDULE OF FEES.

(Section 188.)

| | |
|---|--------|
| 1. For a Miner's License or renewal thereof for an individual. (See secs. 23, 188) | \$5 00 |
| 2. For an individual miner's license issued on or after 1st October in any year. (See secs. 23, 188) | 3 00 |
| 3. For a Miner's License or renewal thereof for a mining partnership where not more than two partners. (See secs. 23, 188) | 5 00 |
| 4. For a Miner's License or renewal thereof for a mining partnership where more than two but not more than five partners. (See secs. 23, 188) | 10 00 |
| 5. For a Miner's License or renewal thereof for a mining partnership where more than five partners. (See secs. 23, 188) | 20 00 |
| 6. For a Miner's License or renewal thereof for a Company where capital authorized by letters patent or license under <i>The Extra Provincial Companies Act</i> does not exceed \$40,000. (See secs. 23, 188) | 25 00 |
| 7. For a Miner's License or renewal thereof for a Company where capital authorized by letters patent or license under <i>The Extra Provincial Companies Act</i> is over \$40,000, but not exceeding \$100,000. (See secs. 23, 188) | 50 00 |
| 8. For a Miner's License or renewal thereof for a Company where capital authorized by letters patent or license under <i>The Extra Provincial Companies Act</i> is over \$100,000, but not exceeding \$500,000. (See secs. 23, 188) | 75 00 |
| 9. For a Miner's License or renewal thereof for a Company where capital authorized by letters patent or license under <i>The Extra Provincial Companies Act</i> is over \$500,000, but not exceeding \$1,000,000. (See secs. 23, 188) | 100 00 |
| 10. And for each additional \$1,000,000 or fraction thereof. (See secs. 23, 188). Provided that in cases where the said authorized capital of any such company is over \$1,000,000 and it is by affidavit of the president or secretary thereof proven to the satisfaction of the Minister or Deputy Minister of Mines that any part of such capital is actually being used in some other business enterprise and not in mining business within the Province such part may be deducted in fixing the license fees herein provided for | 100 00 |
| 11. Whenever a Miner's License for a mining partnership or for a company is issued on or after 1st October in any year, the fee shall be only one-half the amount above specified. | |
| 12. For recording each claim applied for on a license. (See secs. 59 (1), 188.) | 10 00 |
| 13. For examining Claim Record Book, per claim. (See secs. 8, 188) | 10 |
| 14. For inspecting any document filed with a Mining Recorder. (See secs. 9, 188) | 10 |
| 20a s. | 15. |

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| 15. For recording a dispute. (See secs. 63, 188) | 10 00 |
| 16. For certificate of record of claim. (See secs. 64, 188)... | 1 00 |
| 17. For certificate of performance of working conditions. (See secs. 78 (4), 188) | 1 00 |
| 18. On filing appeal from Recorder's decision. (See secs. 133, 188) | 10 00 |
| 19. On filing appeal from Commissioner's decision. (See secs. 151, 188) | 20 00 |
| 21. For filing transfer or agreement to sell or transfer the whole or part of a mining claim, quarry claim, work- ing permit or boring permit, or an instrument affect- ing any recorded claim, right or interest. (See secs. 73, 100, 119 (7), 188) | 3 00 |
| 22. For a "Substituted Miner's License." (See secs. 28, 188) | 1 00 |
| 23. For Special Renewal License under section 85, par. (a), to save forfeiture, three times the prescribed license fee. | |
| 24. For filing report of work under section 85, par. (b), to save forfeiture | 25 00 |
| 25. For certificate relieving from disqualification under sec- tion 57 | 20 00 |
| 26. For recording extension of time for performing working conditions. (See secs. 80, etc., 188) | 1 00 |
| 27. For recording an order or judgment of the Mining Com- missioner or made on appeal from him. (See secs. 77 (1), 188) | 1 00 |
| 28. For recording a certificate that interest in claim or other recorded right or interest is called in question. (See secs. 77 (2), 188) | 10 00 |
| 29. For receiving and recording application for a working permit and giving certificate therefor. (See secs. 94 (b), 188) | 5 00 |
| 30. For issuing working permit. (See secs. 94 (2), 188) | 5 00 |
| 31. For renewal of working permit. (See secs. 101, 188) ... | 1 00 |
| 32. For filing certificate of mining partnership or certified copy thereof. (See secs. 122 (2), 188) | 1 00 |
| 33. For recording certificate of revocation of Agent and appointment of new Agent for mining partnership. (See secs. 122 (5) 188) | 1 00 |
| 34. For recording transfer of share or shares in a mining partnership. (See secs. 122 (7), 188) | 25 |
| 35. For copies or certified copies of any document, paper or record obtained from any officer, per folio | 10 |
| 36. Additional fee for the Recorder's own use with every application for a mining claim, quarry claim, working permit and boring permit, including swearing the affidavit, if sworn before the Recorder, and for every other affidavit sworn before a Recorder | 25 |

CHAPTER 22.

An Act to validate certain By-laws Passed and Contracts made pursuant to "An Act to Provide for the Transmission of Electrical Power to Municipalities."

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain by-laws authorizing contracts with Hydro-Electric Power Commission confirmed.

6 Edw. VII., c. 15; 7 Edw. VII., c. 19.

By-laws for construction of distribution plants confirmed.

Contracts between Commission and Ontario Power Co. confirmed.

1. The By-laws passed by the Municipal Corporations of the Cities of Toronto, Hamilton, London, Brantford, Guelph, Stratford, St. Thomas, Woodstock; the Towns of Ingersoll, Berlin, Galt, Toronto Junction, Hespeler, St. Marys, Preston, Paris and Waterloo; and the Villages of New Hamburg and Weston, purporting to authorize the said Corporations or the Councils thereof, respectively, to enter into a contract with the Hydro-Electric Power Commission of Ontario for a supply of electrical power to be transmitted from Niagara Falls, and the estimates therein set forth, if any, are declared to be, in form and in substance, a sufficient compliance with the provisions of the Act intituled *An Act to provide for the Transmission of Electrical Power to Municipalities* and the said by-laws are hereby confirmed and declared to be sufficient, legal, valid and binding for the purposes thereof.

2. The by-laws passed by the said Corporations or any of them for the issue of debentures to provide for the construction of a plant to distribute the said power within the limits of the said Corporations and all debentures to be issued thereunder and all assessments to be made and rates to be levied are hereby confirmed and declared to be valid.

3. The contracts set out as Schedules "A" hereto between the said Commission and the Ontario Power Company of Niagara Falls are hereby confirmed and declared to be legal and valid.

4. The form of contract set forth as Schedule "B" here- Form of contract with municipalities approved.
to between the said Commission and the said Corporations is declared to be a sufficient compliance with the provisions of the said Act, and the said Corporations, or any of them, are authorized and empowered to enter into a contract with the said Commission in said form, or with such additions and alterations as may be approved of by the Lieutenant-Governor in Council; and when executed the said contract shall be legal, valid, and binding on the parties thereto for the purposes of the said Act.

SCHEDULE "A."

This Agreement made the nineteenth day of March, 1908, between The Hydro-Electric Power Commission of Ontario, acting herein on its own behalf and with the approval of the Lieutenant-Governor in Council, (hereinafter called the "Commission") party of the First Part, and The Ontario Power Company of Niagara Falls, (hereinafter called the "Company"), party of the Second Part.

Whereas the Commission invited tenders for electric power to be supplied at or near the Niagara Falls, and the Company made the lowest tender for the supply of power to the Commission for their purposes under the provisions of the Power Commission Act.

And whereas certain municipalities have applied to the Commission for the maximum price of such power at Niagara Falls and for estimates of the cost of transmission to the said municipalities;

And whereas the estimates of the Commission will be based in part upon this agreement, and the Commission will be required to devote time and skill and expend moneys in the preparation of such estimates, and such estimates are to be used by said municipalities for the purposes fully set forth in the said Act;

And whereas the Commission declined other tenders and accepted the tender of the Company and entered into the agreement hereto attached, but it was provided that certain additions might be made to the said agreement, and the parties have agreed to vary the said agreement in the manner hereinafter set forth;

Now therefore this Indenture witnesseth that in consideration of the premises and of the mutual covenants and agreements herein contained, the parties hereto have mutually agreed and do each agree with the other as follows:—

1. That, except in so far as the said agreement is modified by this present agreement the same shall stand and be of full force, virtue and effect and binding between the parties.

2. The Company hereby agrees:—

(a) At the expiration of ninety days' notice in writing by the Commission to the Company to deliver eight thousand (8,000) horse power or more of electric power to the Commission:

(b) At the expiration of three months' like notice which may be given from time to time during the continuance of this agreement to deliver from time to time to the Commission in blocks of not less than one thousand (1,000) horse power each, additional electric power until the total amount so delivered shall amount to thirty thousand (30,000) horse power.

(c) At the expiration of nine months' like notice, which may be given from time to time during the continuance of this agreement, to deliver from time to time to the Commission in like blocks, additional electric power until the total so delivered shall amount to one hundred thousand (100,000) horse power.

(d)

(d) The Commission shall not be bound to take or pay for any electric power until notice shall have been given as above provided.

(e) The Commission agrees to use all diligence by every lawful means in its power to procure such a demand from the municipalities, corporations, companies or persons for the power dealt with by this agreement so that at as early a date as possible the Commission will be in a position to give the notice above referred to the Company for the supply of power in question, and if notwithstanding the exercise of all such reasonable diligence the Commission is not able within a period of eighteen months from the date of this agreement to give such notice, then the Company shall be at liberty to determine the agreement and it shall thereupon be no longer binding upon the parties hereto.

(f) The Commission agrees to take power exclusively from the Company up to the said 30,000 horse power, and also in addition thereto one-half of the amount of power required by the Commission up to the said 100,000 horse power; thereafter the Commission may, at its option, take power from other sources.

3. The Company hereby agrees to deliver, and the Commission agrees to purchase and pay for the said several quantities of electric power on the terms and conditions of this agreement.

4. The Commission hereby agrees to pay to the Company for such power so delivered under the terms of this agreement at the rate of \$9.40 per horse power per annum for power at 12,000 volts, and at the rate of \$10.40 per horse power per annum for power at 60,000 volts, and when the amount reserved and held ready for delivery upon the order of the Commission is in all, 25,000 horse power or more, payment shall be made at the rate of \$9.00 per horse power per annum for power at 12,000 volts, and at the rate of \$10.00 per horse power per annum for power at 60,000 volts. If power is taken at a higher voltage than 60,000 volts the price shall be determined as hereinafter provided. The power shall be paid for monthly in gold coin of the present standard of weight and fineness in twelve amounts in each year at the office of the Company at Niagara Falls, Ontario, and bills shall be rendered by the Company on the first and paid by the Commission on or before the fifteenth of each month.

5. The Commission shall pay for three-fourths of the power ordered by the Commission and held in reserve for it as herein provided whether it takes the same or not.

6. When the greatest amount of power taken for any twenty consecutive minutes during any month shall exceed three-fourths of the amount during such twenty consecutive minutes ordered by the Commission and held in reserve, then the Commission shall pay for this greater amount during that entire month.

7. The point of delivery shall be the property line between the Company's distributing station and the right of way of the Michigan Central Railway at Niagara Falls, Ontario, Canada, and at or near this point on the Company's land the Commission shall have the right to erect and maintain during the continuance of this agreement its initial line structure or structures.

8. This agreement shall remain in force for ten years from the date of the expiration of the said ninety days' notice. The Commission may, at its option, continue this agreement for one, two or three further consecutive terms of ten years each by giving notice in writing of its intention to continue this agreement for the second term of ten years, at least three years before the expiration of the first term of ten years, and if pursuant to such notice this agreement is continued, by giving notice of its intention to continue this agreement for the third period of ten years at least three years before the expiration of the second term of ten years, and if pursuant to such last mentioned notice this agreement is continued, by giving notice of its intention to continue this agreement for the fourth term of ten years at least three years before the expiration of the third term of ten years. This agreement shall

not

not in any event extend beyond the 1st of April, 1950, the date at which the first term of years of an agreement of the Company with the Commissioners of the Queen Victoria Niagara Falls Park dated eleventh April, 1900, will expire.

9. The electric power herein contracted for shall be three phase, alternating, commercially continuous twenty-four hour power every day of the year except as provided in paragraph 17 hereof.

10. It is agreed that the maintenance by the Company of approximately the agreed voltage at approximately the agreed frequency at the line switch or switches of the Company shall constitute the delivery of all power involved herein and the fulfilment of all operating obligations hereunder: and that when voltage and frequency are so maintained, the amount of the power, its fluctuations, load factor, power factor, distribution as to phases, and all other electric characteristics and qualities are under the sole control of the Commission, its agents, customers, apparatus, appliances and circuit.

11. The several blocks of power herein provided for shall be the amounts which the Company shall from time to time hold in reserve upon the order of the Commission and the Commission shall not at any time take more than the amount so ordered and held in reserve for it.

12. The Commission shall so take power that the kilo volt amperes so taken shall not at any time exceed by more than ten per cent. the kilowatts held in reserve for it and this provision shall apply proportionately to each circuit and phase.

13. The Company shall at all times use first-class, modern standard, commercial, hydro-electric power apparatus and plant and the power shall be delivered at approximately 12,000 volts or approximately 60,000 volts unless otherwise agreed as hereinafter provided, and at approximately 25 cycles per second, the Company shall use first-class, modern, standard regulating apparatus and all due skill and diligence to maintain the power at such voltage and frequency. The Commission may require part of the said power to be delivered at more than 60,000 volts and the Company shall be entitled to have the price for such higher voltage increased to such an extent as shall be relatively the equivalent, but without increased profit, to the price of power delivered at 60,000 volts, and in case the Company and the Commission cannot fix the higher voltage and the price to be paid therefor, the voltage may be fixed and the price to be paid determined under *The Arbitration Act*, Revised Statutes of Ontario, 1897, Chapter 62, in a summary manner and without appeal. Notwithstanding any award the Commission may decide to take power at 12,000 or 60,000 volts, but in that event the Commission shall pay all costs of said arbitration. The Commission shall with the ninety days' notice before mentioned specify in writing to the Company that the power is to be delivered at not more than two of the said voltages or partly at one of the two and partly at the other voltage, and the Company shall deliver power or at the same time a certain part of the power at one voltage, and a certain part at the other so specified. The Commission may from time to time vary the quantities to be delivered at the specified voltages and thereupon the Company shall deliver the said power as varied, but the price for the power specified at the higher voltage shall not be reduced if the power is taken at the lower voltage. If part of the power is specified at a voltage higher than 60,000 volts the Commission shall give one year's notice instead of ninety days' notice for that part of such power.

14. The Commission and its customers shall select and use transformers and all apparatus most suitable to receive the electric power produced by the apparatus of the Company and the Commission's transmitting, transforming, translating and all other apparatus and devices upon its circuits when receiving power from the Company shall be of modern, standard design and construction
and

and shall be operated and maintained with special reference to securing the highest efficiency and most perfect operation not only of its own but also of the apparatus of the Company when receiving power from the Company; and the Commission shall instal upon and equip all circuits with such approved protective devices as are in commercial use and operate its circuits in such a manner as will to the then greatest extent protect the apparatus and circuits of the Company from damage and interruption by lightning, short-circuiting or otherwise, so as to save harmless the Company from any damage that may arise in the use of the said power supplied by the Company to the said Commission.

After the happening of any of the events provided for in paragraphs 17 and 22, power shall be delivered first to the Commission before re-establishing power to any other customer or customers of the Power Company, provided that the Commission's lines are ready to receive such power.

15. The power herein provided for shall be measured by curve-drawing meters. These meters shall be subject to test as to accuracy by either party hereto.

16. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Company and take records at all reasonable hours on giving to the Company six hours' notice of the intention to make such inspection. The Company shall have a like right on giving a like notice to inspect the apparatus, plant and property of the Commission and of the municipalities, companies and persons who are using power supplied by it through or to the Commission.

17. In case the Company shall at any time or times be prevented from delivering said power, or any part thereof, or in case the Commission shall at any time be prevented from taking said power, or any part thereof, by strike, lock-out, riot, fire, invasion, explosion, act of God or the King's enemies, or any other cause reasonably beyond their control, then the Company shall not be bound to deliver such power during such time and the Commission shall not be bound to pay for such power during such time but as soon as the cause of such interruption is removed the Company shall without any delay deliver the said power as aforesaid and the Commission shall take the same and each of the parties hereto shall be prompt and diligent in removing and overcoming such cause or causes of interruption.

18. If and so often as any interruption shall occur in the service of the Company due to any cause or causes other than those provided for by the next preceding paragraph hereof, the Company shall pay to the Commission as liquidated and ascertained damages, and not by way of penalty, as follows:—For any interruption less than one hour double the amount payable for power which should have been delivered during the time of such interruption, and for any interruption of one hour or more, the amount payable for the power which should have been delivered during the time of such interruption and twelve times the last mentioned amount in addition thereto and all moneys payable under this paragraph when the amount thereof is settled between the parties may be deducted from any moneys payable by the Commission to the Company under this agreement, but such right of deduction shall not in any case delay the monthly payments for power contracted for by this agreement.

19. It is recognized by both the parties hereto that the state of the art of production, transmission and application of electric energy is subject to constant advance, and that it is impossible by contract to cover all the requirements and conditions which time may develop; the Company and the Commission with the approval of the Lieutenant-Governor in Council while adhering to the provisions

visions of this agreement will at any time upon the request of the other take up and in good faith fairly consider with the aid of the respective engineers any features or changes of the system as a whole or any modifications of any of the provisions hereof provided it shall appear to the party to whom such request is made that compliance therewith shall tend to make this agreement more effective and to make the venture of each party more successful and certain; provided, however, that any such action or the failure on the part of either party to require of the other exact conformity to the provisions of this agreement, or any liberty or greater latitude beyond the provisions of this agreement allowed by either party to the other in the course of the co-operation implied by the spirit of this agreement shall in no manner operate as or constitute a precedent or amend or change the obligation of the parties thereto.

20. This agreement is entered into subject to the provisions of *The Power Commission Act* and neither the making of this agreement nor anything herein contained shall in any way limit or prejudice any rights and powers which the Commission may now have to expropriate the plant and apparatus of the said Company or any plant thereof or the power generated by the said Power Company, or any other power company, but nothing in this agreement shall be taken to give or enlarge any such power.

21. It is agreed that in case any dispute shall arise relating to the question of the performance and fulfilment of any of the terms, provisos or conditions of this agreement, or as to the method or accuracy of the measurement of the power, or as to any question which may arise under this agreement, or as to the rights of any of the parties after the termination of this agreement, under paragraph 22, the same shall be determined by two independent persons, one to be chosen by each of the parties to such dispute, and such persons before proceeding with the reference shall appoint a third arbitrator to act with them, and the decision of the said three arbitrators, or a majority of them, shall be conclusive on both parties except as hereinafter provided, and in case either of the said parties shall neglect or fail to appoint an arbitrator within thirty days after the request in writing by the other party then the arbitrator appointed by the other party may proceed alone and his award shall be conclusive on both parties except as hereinafter provided. The award shall be made within four months after the appointment of the first of such arbitrators, and in the event of the two arbitrators appointed as aforesaid being unable or unwilling to agree upon a third arbitrator for two weeks after their appointment, or the appointment of the one of them who was last appointed, then said third arbitrator shall be chosen and appointed by the Chief Justice for the time being of the King's Bench Division of the High Court of Justice for the Province of Ontario, or in the event of the said Chief Justice being ill, absent from the Province or otherwise unable or refusing to act, then such third arbitrator shall be appointed by any Judge of the High Court of Justice, or any Judge other than a local Judge. It is agreed that there may be an appeal by either party from any decision or award of such arbitrators to the High Court of Justice for Ontario in accordance with the provisions of *The Arbitration Act* in that behalf.

22. In case the plant, apparatus, buildings or premises of the Company, or any part thereof, shall at any time during the continuance of this agreement be damaged or destroyed so as to prevent the Company from supplying the said power of the quantity and quality hereinbefore provided for to the Commission the Company shall use its best endeavor to procure the said supply of power for the Commission otherwise or elsewhere and if the Company fails or neglects to procure such power for the Commission then the Commission may with the approval of the Lieutenant-Governor in Council, procure such power at reasonable rates and charge

charge the same to the Company; and if the said power cannot be procured either by the Company or the Commission then the Commission may with the approval of the Lieutenant-Governor in Council terminate this agreement.

23. If at any time that the quantity of power which is being taken under this agreement by the Commission shall amount to sixty per cent. or more of the total power which the Company is developing and a complaint is then made in writing by the Commission to the Company that the Company has so continuously neglected or failed to perform the terms of this agreement that the apparatus of the Commission or its customers cannot by reason of such neglect or failure of the Company be operated to full efficiency and the Company shall not within a reasonable time remedy such neglect or failure, then the matter of complaint may be referred to the Lieutenant-Governor in Council, and if he determine that there is a just ground of complaint he may direct that the Company shall remedy such neglect or failure within a time to be fixed by him, and if such neglect or failure be not remedied as directed by him the Lieutenant-Governor in Council may order that upon such terms as he deem reasonable including the rights of other parties interested, the whole of the plant, apparatus and property of the Company shall be transferred to the Commission, whereupon, on payment and satisfaction of the said terms the amount of which payment and satisfaction is to be settled by the arbitrators appointed as hereinbefore stated, the Commission may, with the approval of the Lieutenant-Governor in Council take over the plant, apparatus and property and the same shall be transferred to the Commission.

24. The Company agrees with the Commission that the Company will not during the continuance of this agreement exercise the right to cancel the agreement dated 11th April, 1900, between the Company and the Commissioners of the Queen Victoria Niagara Falls Park.

25. In case any municipal corporation which shall contract with the Commission for a supply of power or any person, firm or Corporation which shall contract with any such municipal Corporation, or with the Commission for a supply of power furnished to the Commission by the Company, shall suffer damages by the act or neglect of the Company, and such municipal Corporation, person, firm, or corporation would, if the Company had made this contract directly with them, have had a right to recover such damages or commence any proceedings or any other remedy the Commission shall be entitled to commence any such proceedings or bring such action for or on behalf of such municipal Corporation, person, firm or Corporation, and notwithstanding any acts, decision or rule of law to the contrary the Commission shall be entitled to all the rights and remedies of such municipal Corporation, person, firm or Corporation including the right to recover such damages, but no action shall be brought by the Commission until such municipal Corporation, person, firm or Corporation shall have agreed with the Commission to pay any costs that may be adjudged to be paid if such proceeding or action is unsuccessful. The rights and remedies of any such municipal Corporation, person, firm or Corporation shall not be hereby prejudiced.

26. Subject to the provisions of paragraphs 22 and 23 of this agreement, notwithstanding there may be differences between the parties hereto as to the supply of sufficiency of the said power or the payment therefor or any other questions whatever which may arise under this agreement, the Company shall continue to deliver the power and the Commission to pay therefor and both parties shall continue to carry out the contract notwithstanding such differences; and when the matters which may be so in issue shall be finally determined by the reference to arbitration in the manner provided by paragraph 21 hereof, the parties shall deal with such matters according to the terms of the award which may be made upon

upon such reference. It being the distinct agreement between the parties that there shall not be during the period of this agreement any stoppage or cessation in the supply of the said power or on the payments therefor but that the same shall be continued as if there was no such difference.

27. The Company shall not directly or indirectly deliver power in Ontario to any person or Corporation that it is intended shall be supplied by the Commission under this agreement. In case any difference arises as to the said supply the same shall be settled with the said arbitrators. This paragraph shall not be held to cover or interfere with the supply of power agreed to be delivered by the said Company to any persons or Corporations other than the Commission at the date on which the first block of power is ordered by the Commission from the Company under this agreement, but the said supply of power shall continue unaffected by this agreement. The Commission agrees it will not supply power at less than 60,000 volts at a price less than the price herein provided for power at 60,000 volts with the cost of transforming added thereto any person or Corporation in the territory supplied from the transmission lines of the Company at the rate at which the first block of power is ordered by the Commission from the Company under this agreement. In case any difference arises as to the extent of such territory the same shall be settled by said arbitrators.

28. This agreement shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto.

29. Notwithstanding anything hereinbefore contained this agreement shall not come into operation as against the Commission or be binding upon the Commission until, in addition to any other Orders in Council, pursuant to said Act, an Order in Council has been passed and approved by the Lieutenant-Governor in Council expressly declaring that this agreement shall from the date of such Order in Council be binding upon the Commission, but this shall in no way interfere with the agreement contained in paragraph 2 (c), and the Commission undertakes to do all things lawful in its power that may be needed to bring this agreement into operation at as early a date as possible and to procure the assent and declaration of the said Lieutenant-Governor in Council above referred to and the said Company agrees to co-operate with the Commission by all lawful means in its power to carry out the object of this agreement.

In witness whereof the said Commission has affixed its corporate seal and has signed, sealed and executed the present agreement; and the Company by and through its President and Secretary duly authorized for all purposes hereof has hereunto affixed its corporate seal under the hands of its President and Secretary.

(Seal.)

A. BECK.
JOHN S. HENDRIE.
W. K. McNAUGHT.

THE ONTARIO POWER COMPANY
OF NIAGARA FALLS.

J. J. ALBRIGHT, *President.*
ROBERT C. BOARD, *Secretary.*

(Seal.,

This

This Agreement made this 12th day of August, 1907, between The Hydro-Electric Power Commission of Ontario, acting herein on its own behalf and with the approval of the Lieutenant-Governor-in-Council, (hereinafter called the "Commission"), party of the First Part, and The Ontario Power Company of Niagara Falls, incorporated by the Parliament of the Dominion of Canada, under and by virtue of Act, 1887, 50-51 Victoria, Chapter 120; Act 1891, 54-55 Victoria, Chapter 126; Act 1893, 56 Victoria, Chapter 89; Act 1899, 62-63 Victoria, Chapter 105; Act 1900, 63-64 Victoria, Chapter 115, and Act 1902, 2 Edward VII, Chapter 86, (hereinafter called the "Company"), party of the Second Part.

Whereas, the Commission is duly incorporated under the provisions of an Act passed by the Legislature of the Province of Ontario, in the sixth year of His Majesty King Edward VII, and Chaptered 15, and under the provisions of said Act is authorized to contract with any Company generating electrical power or energy for a supply of electrical power or energy to the Commission:

And whereas, the Company, under the provisions of the Statutes of Canada, above recited, and under the provisions of certain agreements dated April 11, 1900, August 15, 1901, June 28, 1902, and February 28, 1903, between the Company and the Commissioners of the Queen Victoria Niagara Falls Park, to which agreements reference is specifically made, has constructed a series of works in the vicinity of Niagara Falls, Ontario, in which the Company is now generating electrical power, and is prepared to sell and deliver the same in the quantities hereafter mentioned;

And whereas, the Commission invited tenders for electric power to be supplied at or near the Niagara Falls, and the Company made the lowest tender for the supply of power to the Commission for their purposes under the provisions of the said Act;

And whereas, certain municipalities have applied to the Commission for the maximum price of such power at Niagara Falls, and for estimates of the cost of transmission to the said municipalities;

And whereas, the estimates of the Commission will be based in part upon this agreement, and the Commission will be required to devote time and skill and expend moneys in the preparation of such estimates, and such estimates are to be used by said municipalities for the purposes fully set forth in said Act;

And whereas, the Commission has declined other tenders and has decided to accept the tender of the said Company under the terms of this agreement;

Now therefore in consideration of the premises and of the mutual covenants and agreements herein contained and of other valuable considerations the parties hereto have mutually agreed, and do each agree with the other as follows:—

1. The Company hereby agrees:—

(a) At the expiration of ninety days' notice in writing by the Commission to the Company to deliver eight thousand (8,000) horse power or more to the Commission and the Commission hereby agrees to purchase and pay for the same.

(b) At the expiration of three months' like notice to deliver from time to time to the Commission in blocks of not less than one thousand (1,000) horse power each, additional power until the total so delivered shall amount to thirty thousand (30,000) horse power, and the Commission hereby agrees to purchase and pay for the same.

(c) At the expiration of nine months' like notice to deliver from time to time in like blocks additional power until the total so delivered shall amount to one hundred thousand (100,000) horse power, and the Commission agrees to purchase and pay for the same.

2. The Commission agrees to take power exclusively from the Company up to the said 30,000 horse power, and also in addition thereto one-half of the amount of power required by the Commission up to the said 100,000 horse power; thereafter the Commission may, at its option, take power from other sources.

3. The Company hereby agrees to deliver and the Commission to purchase and pay for the said several quantities of horse power on the terms and conditions of this agreement as hereinafter provided.

4. This agreement shall remain in force for ten years from the date of the expiration of the said ninety days' notice. The Commission may at its option continue this agreement for one, two or three further consecutive terms of ten years each by giving notice in writing of their intention to continue this agreement for the second term of ten years, at least three years before the expiration of the first term of ten years, and if the term be thus extended on giving notice of their intention to continue this agreement for the third term of ten years by giving a like notice at least three years before the expiration of the second term of ten years, and if the term be then extended on giving notice of their intention to continue this agreement for the fourth term of ten years by giving a like notice at least three years before the expiration of the third term of ten years. This agreement shall not in any event extend beyond 1st April, 1950, the date at which the first term of years of the above recited agreement of the Company with the Commissioners of the Queen Victoria Niagara Falls Park, dated the 11th April, 1900, will expire.

5. This agreement is entered into subject to the provisions of *The Power Commission Act* and neither the making of this agreement nor anything herein contained shall in any way limit or prejudice any right and power which the Commission may now have to expropriate the plant and apparatus of the said Company or any part thereof or the power generated by the said Power Company or any other Power Company, but nothing in this agreement shall be taken to give or enlarge any such power.

6. The electrical power herein contracted for shall be three-phase, alternating, commercially continuous twenty-four hour power every day of the year, except as provided in paragraph hereof.

7. It is hereby agreed by and between the parties hereto that the maintenance by the Power Company of approximately the agreed frequency at the line switch or switches of the Company shall constitute the delivery of all power involved herein and the fulfilment of all operating obligations hereunder, and that when voltage and frequency are so maintained the amount of the power its fluctuations, load factor, power factor, distribution as to phases and all other electrical characteristics and qualities are under the sole control of the Commission, its agents, customers' apparatus, appliances and circuits.

8. The Company shall at all times use first-class modern, standard, commercial hydro-electric power apparatus and plant and the power shall be delivered at approximately 60,000 volts and at approximately twenty-five cycles per second, and the Company shall use first-class modern, standard, regulating apparatus and all due skill and diligence to maintain the power at such voltage and frequency.

9. The several blocks of power herein provided for shall be the amounts which the Company shall from time to time hold in reserve ready for the Commission, and the Commission shall not at any time take more than the amount so held in reserve for it.

The Commission shall so take power that the kilo-volt amperes so taken shall not at any time exceed by more than 5 per cent. the kilowatts held in reserve for it, and this provision shall apply proportionately to each circuit and phase.

10. The power herein provided for shall be measured by curve-drawing meters. These meters shall be subject to test as to accuracy by either party hereto.

The Commission shall pay for three-fourths of the power held in reserve for it, as herein provided, whether it takes the same or not.

When the greatest amount of power taken for any twenty (20) consecutive minutes during any month shall exceed three-fourths of the amount at that time held in reserve for the Commission, then it shall pay for this greater amount during that entire month.

11. The point of delivery shall be the property-line between the Company's Distributing Station and the right of way of the Michigan Central R.R. at Niagara Falls, Ontario, Canada, and at this point the Commission shall have the right to erect and maintain its initial line structure or structures.

12. In case the Company shall be prevented from delivering said power, or in case the Commission shall be prevented from taking said power, by strike, lock-out, riot, fire, invasion, explosion, act of God, or the King's enemies, or any other cause reasonably beyond their control, then the Company shall not be obligated to deliver such power during such period; and the Commission shall not be obligated to pay for such power during such period; but nothing herein contained shall be construed as permitting the Company to refuse to deliver power, or the Commission to refuse to take the same as soon as the cause of interruption is removed, and each of the parties hereto shall be prompt and diligent in removing and overcoming such cause or causes.

13. If interruptions occur in the service of the Company due to causes other than above, deductions shall be made as follows:— For interruptions less than one hour, double the amount payable for power for the time of such default, and for interruptions of one hour or more, the amount otherwise payable for the day.

14. The Commission and its customers shall select and use transformers and all apparatus most suitable to receive the electric power produced by the apparatus of the Company, and the Commission's transmitting, transforming, translating and all other apparatus and devices upon its circuits shall be of standard design and construction and shall be operated and maintained with special reference to securing the highest efficiency and most perfect operation, not only of its own, but also of the apparatus of the Company when receiving power from the Company; and the Commission shall instal upon and equip its circuits with such approved protective devices as are in commercial use and operate its circuits in such a manner as will to the then greatest extent protect the apparatus and circuits of the Company from damage and interruption by lightning, short circuiting or otherwise, so as to save harmless the Company from any damage that may arise in the use of the said power supplied by the Company to the said Commission.

After the happening of any of the events provided for in paragraphs 12 and 13 power shall be delivered first to the Commission before re-establishing power to any other customer or customers of the Power Company, provided that the Commission's lines are ready to receive such power.

15. It is recognized by both the parties hereto that the state of the art or production and transmission and application of electrical energy is subject to constant advance, and that it is impossible by contract to cover all requirements and conditions which time may develop, and the Company and the Commission with the approval of the Lieutenant-Governor-in-Council while adhering to the provisions of this agreement, will at any time upon the request of the other, take up and in good faith fairly consider, with the aid of their respective engineers, any features or changes of the system as a whole of the modifications of any of the provisions hereof, provided it shall appear to the party to whom such request is made that compliance therewith shall tend to make this agree-

ment

ment more effective and to make the venture of each party more successful and certain; provided, however, that any such action, or the failure on the part of either party to require of the other exact conformity to the provisions hereof, or any liberty or greater latitude beyond the provisions of this agreement permitted by either party to the other, in the course of the co-operation implied by the spirit of this agreement, shall in no manner act as or constitute a precedent or amend or change the obligations of the parties hereto.

16. The Commission hereby agrees to pay to the Company for such power delivered under the terms of this agreement, the sum of ten dollars and forty cents (\$10.40) per horse power per annum when the amount reserved and held ready, upon the order of the Commission, for delivery under the terms hereof, is less than twenty-five thousand (25,000) horse power, and when the amount reserved and held ready for delivery upon like order exceeds twenty-five thousand (25,000) horse power, the Commission agrees to pay the sum of ten dollars (\$10.00) per horse power per annum. The power shall be paid for monthly in gold coin of the present standard of weight and fineness, in twelve amounts, in each year at the office of the Company in Niagara Falls, Ontario, and bills shall be rendered for such payments on the first, and be paid on or before the fifteenth of each month.

17. At any time that the quantity of power which is being taken under this agreement by the Commission shall amount to sixty per cent. or more, of the total power which the Company is developing and a complaint is then made in writing by the Commission to the Company that the Company has so continuously neglected or failed to perform the terms of this agreement that the apparatus of the Commission or its customers cannot by reason of such neglect or failure of the Company be operated to full efficiency and the Company shall not within a reasonable time remedy such neglect or failure then the matter of complaint may be referred to the arbitrators appointed as hereinafter stated, and if the said arbitrators shall determine that there is a just ground of complaint they may by their award direct that the Company shall remedy such neglect or failure within a time to be fixed by the award, and if such neglect or failure be not remedied as directed by the said award the arbitrators may order that upon such terms as they deem reasonable including the rights of the other parties interested the whole of the plant, apparatus and property of the Company shall be transferred to the Commission, whereupon on payment and satisfaction of the said terms the Commission may, with the approval of the Lieutenant-Governor in Council, take over said plant, apparatus and property, and the same shall be transferred to the Commission.

18. It is hereby declared and agreed that in case the plant, apparatus, buildings or premises of the Company or any part thereof shall at any time during the continuance of this agreement be damaged or destroyed so as to prevent the Company from supplying the said power of the quantity and quality hereinbefore provided for to the Commission and the Company is unable to supply the said power within a reasonable time to be fixed if necessary by the said arbitrators, the Commission may, with the approval of the Lieutenant-Governor in Council, terminate this agreement, and any questions as to terms of conditions connected with such determination of the agreement shall be settled by the said arbitrators.

19. It is further agreed by and between the parties hereto that, in case any dispute shall arise relating to the question of the performance or fulfilment of any of the terms, provisoes or conditions of this agreement, or as to the method or accuracy of the measurement of the power or as to any other question which may arise under this agreement, the same shall be finally determined by two independent persons, one to be chosen by each of the parties to such dispute, and such arbitrators shall, before proceeding with the reference, appoint a third arbitrator to act with them, and the decision

decision of the said three arbitrators or a majority of them shall be conclusive on both parties, and in case either of the said parties shall neglect or fail to appoint an arbitrator within thirty days after the request in writing by the other party, then the arbitrator appointed by the other party may proceed alone, and his award shall be conclusive on all parties. The award shall be made within four months after the appointment of the first of such arbitrators and, in the event of the two arbitrators appointed, as aforesaid, being unable or unwilling to agree upon a third arbitrator for two weeks after their appointment or the appointment of the one of them who was last appointed, then such third arbitrator shall be chosen and appointed by the Chief Justice for the time being of the King's Bench Division of the High Court of Justice for the Province of Ontario, or in the event of the Chief Justice being sick, absent from the Province, or otherwise unable or refusing to act, then such third arbitrator shall be appointed by any Judge of the High Court of Justice other than a local Judge. It is agreed that there may be an appeal by either party from any decision or award of such arbitrators to the High Court of Justice for Ontario in accordance with the provisions of the *Arbitration Act* in that behalf.

20. Notwithstanding that there may be differences between the parties which may embrace the question of the supply or insufficiency of the power or the payment therefor or any other questions whatever that may arise under this agreement the Company shall continue to deliver the power and the Commission to pay therefor and both parties shall continue to carry out the contract notwithstanding such differences, and when the matters which may be in issue shall be finally determined by the reference as above provided, the parties shall deal with such matters according to the terms of the award that may be made on such reference. It being the distinct agreement between the parties that there shall not be during the period of the agreement any stoppage or cessation in the carrying on of the work, but that the same shall be continuous and any matters in difference shall not form a reason for interfering with the same but shall be accommodated in the manner herein provided.

21. The Company will not, directly or indirectly, deliver power in Ontario to any person or corporation that it is intended shall be supplied by the Commission under this agreement.

In case any difference arises as to such supply the same shall be settled by the said arbitrators.

This clause shall not, however, be held to cover or interfere with the supply of power agreed to be delivered by the said Company to any persons or corporations other than the Commission at the date on which the first block of power is ordered by the Commission from the Company under this agreement, but the said supply shall continue unaffected by this agreement.

22. The Company agrees that it will not exercise the right to cancel contained in the said agreement dated 11th April, 1900.

23. This agreement shall extend to and be binding upon and enure to the benefit of the successors and assigns of the parties hereto.

24. This agreement shall have no force or effect until approved by the Lieutenant-Governor in Council.

In witness whereof the said Commission has affixed its corporate seal and has signed, sealed and executed the present agreement; and the Company acting by and through its President and Secretary duly authorized for all purposes hereof has hereunto affixed its corporate seal under the hands of the President and Secretary.

A. BECK.

JOHN S. HENDRIE.

W. K. McNAUGHT.

J. J. ALBRIGHT.

President.

ROBERT C. BOARD,

Secretary.

SCHEDULE

(Seal.)

THE ONTARIO POWER COMPANY OF NIAGARA FALLS.

(Seal.)

SCHEDULE "B."

This Indenture made the day of 1908.
Between The Hydro-Electric Power Commission of Ontario,
acting herein on its own behalf and with the approval of the
Lieutenant-Governor-in-Council, (hereinafter called the "Com-
mission"), party of the First Part, and The Municipal Cor-
porations of (hereinafter called the "Corporations"), party of
the Second Part.

Whereas pursuant to *An Act to provide for Transmission of Elec-
trical Power to Municipalities*, the Corporations applied to the
Commission to transmit and supply such power from Niagara Falls,
and the Commission entered into contracts with the Ontario Power
Company of Niagara Falls, hereto attached, for such power at the
prices set forth in the schedule hereto attached, and the Commis-
sion furnished the Corporations with estimates, as shown in said
schedule, of the total cost of such power, ready for distribution
within said Corporations, and the electors of the Corporations
assented to By-laws authorizing the Corporations to enter into a
contract with the Commission for such power, and the Commission
have estimated the line loss and the cost to construct, operate,
maintain, repair, renew and insure a line to transmit
horse power of such power to the Corporations, and have appor-
tioned the part of such cost to be paid by each Corporation as
shown in said schedule;

Now therefore this Indenture witnesseth that in consideration of
the premises and of the agreements of the Corporations herein set
forth, subject to the provisions of said Act and of the said con-
tracts, the Commission agrees with the Corporations respec-
tively:—

1.—(a) To construct a line to transmit the quantities of elec-
tric power, shown in column 2 of the said schedule from Niagara
Falls to the Corporations shown in column 1, respectively.

(b) On the day of 19 to supply said power in
quantities set forth in column 2 of said schedule, or as a minimum
per cent, less, to the said Corporations within the limits
thereof, ready for distribution at approximately the number of
volts set forth in column 4 of said schedule, and approximately 25
cycles per second frequency.

(c) At the expiration of three months' written notice, which
may be given from time to time during the continuance of this
agreement, to supply from time to time to the Corporations in
blocks of not less than horse power each, additional power
until the total amount so supplied shall amount to 30,000 horse
power.

(d) At the expiration of nine months' like notice which may be
given from time to time during the continuance of this agreement,
to supply from time to time to said Corporations in blocks of not
less than horse power each, additional power until the
total amount so supplied shall amount to 100,000 horse power.

(e) To use at all times first-class, modern, standard, commercial
apparatus and plant and to exercise all due skill and diligence so
as to secure the most perfect operation of the said plant and appar-
atus of the said Corporations.

2. In consideration of the premises and of the agreements herein
set forth each of said Corporations agrees with the said Commis-
sion:—

(a) To pay the Commission for the quantities of power shown in
column 2 of said schedule, or per cent. less as a minimum, to
be supplied at said date, and for such additional power supplied
or held in reserve upon such notices, the price set forth in column
3 of said schedule in twelve monthly payments, in gold coin of the
present standard of weight and fineness, and bills shall be ren-
dered by the Commission on or before the first, and paid by the
Corporations on or before the fifteenth of each month. If any bill

remains unpaid for days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of such power until said bill is paid.

(b) To pay annually interest at four per cent. per annum upon a proportionate part of the moneys expended by the Commission on capital account for the construction of the said line.

(c) To pay an annual sum to form in thirty years a sinking fund for the retirement of the securities to be issued by the Province of Ontario, for the payment of a proportionate part of the cost of the construction of said line.

(d) To pay a proportionate part of the line loss and the cost to operate, maintain, repair, renew and insure the said line.

(e) To keep, observe and perform the covenants, provisoes and conditions set forth in said contracts, intended by the Commission and the said Company to be kept, and observed and performed by the said Corporations.

(f) To pay for three-fourths of the power supplied and held in reserve at said date and upon said notices, whether the said power is taken or not, and when the greatest amount of power taken for twenty consecutive minutes in any month shall exceed three-fourths of the amount during such twenty consecutive minutes, so supplied and held in reserve, to pay for this greater amount during that entire month. When the power factor of the greatest amount of power taken for said twenty minutes falls below 90 per cent., the Corporation shall pay for 90 per cent. of said power divided by the power factor.

(g) To take no more power than the amount to be supplied and held in reserve at said date and upon said notices.

(h) To use at all times first-class, modern, standard, commercial apparatus and plant to be approved by the Commission.

(i) To exercise all due skill and diligence so as to secure the most perfect operation of the plant and apparatus of the said Commission and said Company.

(j) To take such power exclusively from the Commission during the continuance of this agreement.

3. Unless determined as provided in said contracts this agreement shall remain in force for forty years from the said day
19 .

4. Said power shall be three phase, alternating, commercially continuous twenty-four hour power every day of the year except as provided in paragraph 6 hereof, and shall be measured by curve-drawing meters, subject to test as to accuracy by either party hereto.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the said Corporations and take records at all reasonable times on giving to the Corporations six hours' notice of the intention to make such inspection. The said Corporations shall have a like right, on giving a like notice to inspect the apparatus, plant and property of the Commission.

6. In case the Commission or the Company shall at any time or times be prevented from delivering said power, or any part thereof, or in case the Corporations shall at any time be prevented from taking said power, or any part thereof, by strike, lock-out, riot, fire, invasion, explosion, act of God or the King's enemies, or any other cause reasonably beyond their control, then the Commission shall not be bound to deliver such power during such time and the Corporations shall not be bound to pay the price of said power at Niagara Falls during such time, but the Corporations

shall continue to make all other payments, but as soon as the cause of such interruption is removed the Commission shall without any delay supply said power as aforesaid and the Corporations shall take the same and each of the parties hereto shall be prompt and diligent in removing and overcoming such cause or causes of interruption.

7. If and so often as any interruption shall occur in the service of the Company due to any cause or causes, other than those provided for by the next preceding paragraph hereof, the Commission shall recover and pay to the said Corporations as liquidated and ascertained damages, and not by way of penalty, as follows:— For any interruption less than one hour double the amount payable for power which should have been delivered during the time of such interruption, and for any interruption of one hour or more, the amount payable for the power which should have been delivered during the time of such interruption and twelve times the last mentioned amount in addition thereto and all moneys payable under this paragraph when the amount thereof is settled between the Commission and the Company may be deducted from any moneys payable by the said Corporations to the Commission, but such right of deduction shall not in any case delay the said monthly payments.

8. The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at

shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder; and that when voltage and frequency are so maintained, the amount of the power, its fluctuations, load factor, power factor, distribution as to phases, and all other electric characteristics and qualities are under the sole control of the Corporations, their agents, customers, apparatus, appliances and circuits.

9. In case any of said Corporations, or any person, firm or Corporation which shall contract with any of said Corporations for supply of power furnished to the Commission by the Company shall suffer damages by the act or neglect of the said Company, and such municipal Corporation, person, firm or Corporation would, if the Company had made this contract directly with them, have had a right to recover such damages or commence any proceedings or any other remedy the Commission shall be entitled to commence any such proceeding or bring such action for or on behalf of such municipal Corporation, person, firm or Corporation, and notwithstanding any acts, decision or rule of law to the contrary, the Commission shall be entitled to all the rights and remedies of such municipal Corporation including the right to recover such damages, but no action shall be brought by the Commission until such municipal Corporation, person, firm or Corporation shall have agreed with the Commission to pay any costs that may be adjudged to be paid if such proceeding or action is unsuccessful. The rights and remedies of any such municipal Corporation, person, firm or Corporation shall not be hereby prejudiced.

10. The Commission shall annually adjust and apportion the amounts payable by municipal Corporations for such power and such interest, sinking fund, line loss, and cost of operating, maintaining, repairing, renewing and insuring the line and works.

11. This agreement shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto.

12. Notwithstanding anything hereinbefore contained this agreement shall not come into operation as against the Commission or be binding upon the Commission until, in addition to any other Orders in Council, pursuant to said Act, an Order in Council has been passed and approved by the Lieutenant-Governor in Council expressly declaring that this agreement shall from the date of such Order in Council be binding upon the Commission.

In witness whereof.

column

| Column 1. | 2 | 3 | 4 | 5 | 6 | 7 |
|--------------------------------|---------------------------------------|--|---------------|--|--|--|
| Name of Municipal Corporation. | Quantity of power applied for in H.P. | Maximum price of power at Niagara Falls. | No. of volts. | Estimate maximum cost of power ready for distribution in municipality. | Estimate proportionate part of cost to construct transmission line for 30,000 H.P. | Estimate proportionate part of line loss and of part cost to operate, maintain, repair, renew and insure transmission line for 30,000 H.P. |
| Toronto | 10,000 | \$9.40 for power at 12,000 volts until 25,000 H.P. or more, in all are taken, then \$9.00, \$10.40 for power at 60,000 volts until 25,000 H.P. or more, in all, are taken, then \$10.00. If power taken at higher voltage, price to be fixed by arbitration. | ..... | \$18.10 | ..... | ..... |

CHAPTER 23.

An Act to amend The Act for the Improvement of
Public Highways.*Assented to 14th April, 1908.*

HIS MAJESTY, by and with the advice and consent
of the Legislative Assembly of the Province of
Ontario, enacts as follows:—

1. Subsection 5 of section 2 of *The Act for the Improve-* 7 Edw. VII.
ment of Public Highways, is repealed and the following c. 16, s. 2,
sub-s. 5,
substituted therefor:— repealed

(5) Where a by-law passed under the authority of this Act has received the assent of two-thirds of the members of the county council representing at least one-half of the total equalized assessment of the county, it shall not be necessary to submit the same to the electors of the county; provided that if before the final passing of any by-law under this Act the same has been submitted to and has received the approval of the electors of the county qualified to vote on by-laws for the creation of debts, such by-law may be finally passed by a majority of the members of the council present and voting thereon; and provided further that a by-law so submitted to the electors may after such submission or after the final passing thereof be amended by the council in order to comply with any direction or requirement of the Minister of Public Works, and it shall not be necessary to submit any such amending by-law to the electors.

By-laws passed
by two thirds
vote not to
require assent
of electors.

CHAPTER 24.

An Act to provide for Development of Water Power at Dog Lake.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation. 1. In this Act:—

"The Commission,"

"The Commission" shall mean the Hydro-Electric Power Commission of Ontario.

Construction of Dam at Dog Lake authorized.

2. The Lieutenant-Governor in Council may, by and through the agency of The Commission or otherwise, construct, erect and maintain a dam or dams in Dog Lake or in the Kaministiquia River in the District of Thunder Bay in such place at or near the outlets of the said Dog Lake, as the Lieutenant-Governor in Council may deem best, for the purpose of storing and controlling, and may store and control the water flowing into the said Dog Lake and from the said lake into the said river, and may develop water power for the production of electrical power or energy at or near such outlet, and may lease such water power from time to time in such manner and to such persons, firms, or corporations as the Lieutenant-Governor in Council may from time to time see fit.

Power of commission as to regulating use of water stored.

3. After the completion of such dam the Lieutenant-Governor in Council shall have full power at all times to regulate the use by the owner or lessee of or any person, firm or corporation entitled to any water power upon the said Kaministiquia River below the said dam of the water so stored or controlled and the times when and the quantities in which the same may be taken.

Cost of work, how paid.

4. The cost of the works hereinbefore authorized to be constructed by the Lieutenant-Governor in Council shall not exceed \$20,000, and shall be paid out of the Consolidated Revenue Fund of Ontario in such amounts and at such times as may be directed by the Lieutenant-Governor in Council upon the report of The Commission.

Act to come into force on proclamation.

5. This Act shall not come into force until a day to be named by the Lieutenant-Governor in Council by his proclamation.

CHAPTER 25.

An Act to amend The Act respecting Agricultural Associations.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Agricultural Associations Amendment Act, 1908.* Short title.

2. Section 3 of *The Agricultural Associations Act* is 6 Edw. VII. c. 17, s. 3 amended by adding thereto the following: "The Gardeners amended. and Florists Association."

3. Section 18 of the said Act is amended by adding after the words "Justice of the Peace" in the fourth line of 6 Edw. VII. c. 17, s. 20 clause *b*, the following words "or a Commissioner for taking affidavits." amended.

4. Section 20 of the said Act is amended by adding at the beginning of the same the following words: "The 6 Edw. VII. c. 7, s. 18 Ontario Horticultural Exhibition." amended.

CHAPTER 26.

An Act to amend The Agricultural Societies Act.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Agricultural Societies Amendment Act, 1908*.

6 Edw. VII.
c. 20, s. 21
amended.

2. Section 21 of *The Agricultural Societies Act* is amended as follows:

(1) By striking out the words in the first three lines and inserting the following in their place:

“Such amounts as may be voted by the Legislature of the Province shall be paid to the societies on the following basis.”

(2) By adding after the words “the remainder” in the first line of subsection (e) (1), the following words “of the grant voted for agricultural societies.”

Name of
Colborne
Horticultural
Society
changed.

3. The Society heretofore known as The Colborne Horticultural Society is hereby changed to The Colborne and Haldimand Agricultural Society, and is incorporated as an Agricultural Society coming under the provisions of *The Agricultural Societies Act* with all the rights and privileges of an Agricultural Society under the said Act.

Freelton
Agricultural
Society
incorporated
and name
changed.

4. The Agricultural Society having its headquarters at Freelton and hitherto known as The Freelton Agricultural Society, is hereby incorporated under the provisions of *The Agricultural Societies Act* as The West Flamboro Agricultural Society, with all the rights and privileges of a society under the said Act.

Richmond Hill
and Yonge
Street Agricul-
tural Society.

5. The Society known as The Richmond Hill and Yonge Street Agricultural Society, having its headquarters at Richmond

mond Hill, is hereby incorporated as an Agricultural Society under the provisions of *The Agricultural Societies Act* to be known as The Richmond Hill Agricultural Society, with all the rights and privileges of a society under the said Act. 6 Edw. VII., c. 20.

6. It is hereby declared that the Societies formerly known as The North Norfolk District Agricultural Society and The South Norfolk District Agricultural Society which were regularly constituted under the former *Agriculture and Arts Act* are now united in the Society known as The Norfolk County Agricultural Society, and that all the real and personal property, assets, rights and interests of the said North Norfolk District Agricultural Society and The South Norfolk District Agricultural Society are hereby transferred to and vested in the said Norfolk County Agricultural Society, and the said Norfolk County Agricultural Society is declared to be a Society incorporated under and subject to the provisions of *The Agricultural Societies Act*. North Norfolk and South Norfolk District Agricultural Society.
6 Edw. VII., c. 20.

7. The Springfield Horticultural Society which, under the former *Agriculture and Arts Act*, was a body corporate with power to acquire and hold land as a site for fairs and exhibitions, and to sell, mortgage, lease, or dispose of the same, is hereby given power to sell or dispose of its land and other property upon such terms and conditions as may be approved by the Minister of Agriculture. Springfield Horticultural Society.
6 Edw. VII., c. 20.

CHAPTER 27.

An Act to amend The Horticultural Societies Act.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. 1. This Act may be cited as *The Horticultural Societies Amendment Act, 1908.*

6 Edw. VII,
c. 18, s. 9, subs. 2
amended.

2. Subsection 2 of section 9 of the said Act is amended by striking out the word "one-third" in the first line and substituting for the same the word "one-half," and by adding to the said subsection the following words, "In the above calculation grants or donations for any specific purpose shall not be considered."

6 Edw. VII,
c. 18, s. 10
amended.

3. Section 10 of the said Act is amended as follows:

Time for
annual
meetings.

(1) Subsection 1 is amended by striking out the words "the third week in January" in the second line and substituting for the same the words "the first week in November."

Failure to hold
meeting at
regular time.

(2) Subsection 3 is amended by striking out the words "the third week in January" in the second line and substituting for the same the words "the first week in November"; also by striking out the words "before the first day of April" in the fourth line and substituting for the same the words "not later than the 31st day of December."

Dissolution of
society when
meeting not
held.

(3) Subsection 4 is amended by striking out the word "May" in the third and ninth lines and substituting for the same the word "July."

6 Edw. VII,
c. 18, s. 12
amended.

Time for
sending report
to Department.

4.—(1) Section 12 of the said Act is amended by striking out the words "within one month" in the third line and substituting for the same the words "not later than the first day of February."

6 Edw. VII,
c. 18, s. 12
amended.

(2) Section 12 of the said Act is amended by adding the following subsection:

(3)

(3) The Minister may require that any of the statements referred to in the above report shall be attested by affidavit in such form as he may prescribe.

Minister may require verification of report.

5. Section 17 of the said Act is repealed and the following is substituted therefor:

6 Edw. VII, c. 18, s. 17 repealed.

17. On or before the first day of July of each year the officers of every society shall send to the Department an affidavit that may be sworn to before any Justice of the Peace or Commissioner for taking oaths, stating the number of members in good standing at the time of making the same.

Annual affidavit as to number of members.

6.—(1) Clause (b) of section 19 of the said Act is amended by striking out the words “as shown by their sworn statement provided for in section 17” and substituting for the same the words “in accordance with the provisions of section 9.”

6 Edw. VII, c. 18, s. 19, cl. (b) amended. Distribution of Provincial grant.

(2) Clause (c) of the said section 19 is amended by striking out the word “current” in the fifth line and substituting for the same the word “preceding”; also by striking out the words “as shown by sworn statement provided for in section 17.”

Additional grant to city societies.

(3) The following clause is added to section 19:

6 Edw. VII, c. 18, s. 19 amended.

(d) Societies in the first year of their existence shall receive grants at the rate of one dollar for each paid-up member on the first day of July, said grant not to exceed one hundred dollars.

7. Schedule “B” to the said Act is repealed.

6 Edw. VII, c. 18, sched. B repealed.

CHAPTER 28.

An Act respecting the Registration of Births, Marriages and Deaths.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- | | |
|----------------------------------|--|
| Short title. | 1. This Act may be cited as <i>The Vital Statistics Act</i> . |
| Interpretation | 2. In this Act, |
| "Municipality." | (a) "Municipality" shall not include a county. |
| "Inspector." | (b) "Inspector" shall mean the Inspector of Vital Statistics. |
| "Prescribed form." | (c) "Prescribed form" shall mean the form prepared by the Registrar-General and approved by the Lieutenant-Governor in Council. |
| "House." | (d) "House" shall include a part of a house and a tenement, building, room, or dwelling place. |
| "Occupier." | (e) "Occupier" shall include the Governor, Keeper, Warden or Superintendent of a gaol, prison, penitentiary, lunatic asylum, poor asylum, hospital, industrial home, and house of refuge, and of a public or private charitable institution. R.S.O. 1897, c. 44, s. 1. |
| "Registrar-General." | (f) "Registrar-General" shall mean that member of the Executive Council whose Department for the time being is charged with the administration of this Act. R.S.O. 1897, c. 44, s. 2. |
| Act to apply to Indian Reserves. | 3. The provisions of this Act shall apply to lands reserved for the Indians which, for the purposes of this Act, shall be deemed territory not within a municipality. (New.) |

4. The Lieutenant-Governor in Council may appoint an Inspector of Vital Statistics, whose duty it shall be to inspect the Registration Offices, and examine the schedules prepared under this Act, to see that the entries and registrations are made and completed in a proper manner and in legible handwriting. R.S.O. 1897, c. 44, s. 3.

Inspector,
appointment
and duties of.

5. The Registrar-General shall annually collate, publish and distribute for the use of the Legislature, a full report of the births, marriages and deaths of the preceding year, giving such details, statistics and information as the Lieutenant-Governor in Council may deem necessary. R.S.O. 1897, c. 44, s. 5.

Annual report
of Registrar-
General.

6. The Lieutenant-Governor in Council may make such regulations as he may deem necessary for the purpose of obtaining the information required by this Act. R.S.O. 1897, c. 44, s. 6. *Amended.*

Lieutenant-
Governor to
make regula-
tions.

7.—(1) Any person shall be entitled at all reasonable hours on payment of the prescribed fee, and on signing an application in the prescribed form, to have search made of the record of a birth, marriage or death kept in the office of the Registrar-General for any one county or district for not more than three years.

Searching
records.

(2) The Registrar-General shall, when requested, give a certificate of the details of any birth, marriage or death, of which there is a record in his office on payment of the prescribed fee.

Certificate of
Registrar-
General.

(3) The certificate shall be *prima facie* evidence in any Court, or in any proceeding before a Justice of the Peace, of the facts certified to be recorded. R.S.O. 1897, c. 44, s. 7. *Amended.*

(4) The fees to be paid for searches and certificates shall be prescribed by the Lieutenant-Governor in Council but shall not exceed,

Fees for
searches and
certificates.

(a) For a search for one registration confined to one county or district and a period of not more than three years, twenty-five cents;

(b) For a search for one registration extending beyond one county or district or for more than three years, two dollars;

(c) For a certificate, in addition to the fee for the search, fifty cents. (*New.*)

8. The Registrar-General shall cause such schedules and forms to be prepared as may be approved by the Lieutenant-Governor in Council in order to obtain correct statistical

Forms.

tical information, and he shall distribute them to the Division Registrars, and the cost of and incidental thereto and of the distribution thereof shall be paid out of the Consolidated Revenue Fund. R.S.O. 1897, c. 44, s. 8.

REGISTRATION DIVISIONS.

Registration divisions.

9.—(1) All territory within Ontario shall be a part of some Registration Division.

Municipalities to be

(2) Every Municipality shall be a Registration Division.

Unorganized territory.

(3) Territory not within a municipality may be attached to an existing Registration Division, or set apart as a Registration Division, by the Lieutenant-Governor in Council. R.S.O. 1897, c. 44, s. 9.

Registrars in unorganized territory.

10. Where a Registration Division is formed of territory not within a municipality, the Lieutenant-Governor in Council may appoint a Division Registrar for it and may make such regulations as he may deem necessary to secure a correct record of the births, marriages and deaths occurring therein. R.S.O. 1897, c. 44, s. 10. *Amended.*

OFFICE AND DUTIES OF DIVISION REGISTRARS.

Division registrars.

11.—(1) The Clerk of every municipality shall be the Division Registrar of the same.

Schedules for division registrars.

(2) The Registrar-General shall supply to every Division Registrar schedules in the prescribed form upon which the Division Registrar shall enter the details of every birth, marriage and death registered in his office.

Duties of division registrars as to schedules.

(3) The Division Registrar shall keep every such schedule in duplicate and on or before the 15th days of January, April, July and October, in every year he shall transmit to the Registrar-General one duplicate of each schedule down to and including the last day of the month next preceding, together with the original return made by the person registering any birth, marriage or death, and the other duplicate schedule shall be kept by the Division Registrar on file in his office.

Schedules to be bound up or arranged as prescribed.

(4) The duplicate schedules shall be bound up or otherwise arranged from time to time by the Division Registrar in such manner as may be prescribed.

Schedules, etc., how to be kept.

(5) It shall be the duty of the Division Registrar to keep the schedules, forms and documents received by him in a place of safety and he shall use all available means to obtain the necessary information for the purpose of completing the records required to be made by him.

(6)

(6) If the Division Registrar has reason to believe that a birth, marriage or death has taken place within his division which has not been registered he shall inform the proper person of his duty to register the same and on failure of such person to make the registration the Division Registrar shall forthwith supply the Inspector with such information as he possesses in regard to the matter. (*New.*)

Duty of division registrar on default of registration.

12.—(1) A Division Registrar, upon application therefor, and on payment of a fee of twenty-five cents shall give a certificate in the prescribed form as to any one registration not included in any quarterly return made but shall not give any certificate other than such as is authorized by this section or in any other than the prescribed form.

Certificate of registration.

(2) The Division Registrar shall be entitled to the fee for the certificate for his own use. (*New.*)

Fee.

13.—(1) If within one year from the registration of a birth, marriage or death, any of the particulars thereof are found to be omitted or incorrect then upon the error being reported to the proper Division Registrar within the time aforesaid, it shall be his duty to enquire into the same, and if satisfied that the entry is incorrect to correct the error according to the fact, entering the correction in the margin, without any alteration of the original entry, and shall note thereon the fact that the correction has been made and the date thereof.

Correcting errors in registration.

(2) If the schedule containing a copy of the original entry has been returned to the Registrar-General the Division Registrar shall report the omission or other error to the Registrar-General, who shall correct the error in the margin of the Schedule as well as in the indexed record thereof, without altering the original entry and shall note on them the fact that the correction has been made and the date thereof. R.S.O. 1897, c. 44, s. 14.

Report of division registrar and correction by Registrar-General.

REGISTRATION OF BIRTHS.

14. Every legally qualified medical practitioner who attends at the birth of a child shall forthwith give notice thereof in the prescribed form to the Division Registrar of the Division in which the child was born. R.S.O. 1897, c. 44, s. 16.

Medical practitioner attending birth to register same.

15.—(1) Where a child is born notice thereof in the prescribed form shall also be given to the Division Registrar of the Division in which the child was born by

Persons required to give notice of birth.

(a) The father, if living; or

(b) In case of his inability, or if he is dead, by the mother, if living; or

(c)

(c) In case of the inability of both parents, or, if neither be living, by the person standing in the place of the parents of the child; or

(d) If there is no father or mother or other person whose duty it is to give the notice, by the occupier of the house in which the child was born, if he has knowledge of the birth, and by the nurse or midwife present at the birth. (*New*); (See R.S.O. 1897, c. 44, s. 15.)

(2) The notice shall be given within 30 days after the date of the birth. (*New*.)

Registration of
birth of new-
born child
found exposed.

16. If a living new-born child is found exposed, it shall be the duty of any person finding such child, and of any person in whose charge such child may be placed, to give, to the best of his knowledge and belief, to the Division Registrar of the Division in which the child is found within seven days after the finding of such child, such information of the particulars required to be registered concerning its birth as the informant possesses. (*New*); (See Imp. Act, 37-38 V. c. 88, s. 3.)

Registering
illegitimate
births.

17. A person shall not be named in the register as the father of an illegitimate child unless he and the mother request that the name be so entered, and the Division Registrar shall write the word "Illegitimate" in the column for the name of the child, immediately under the child's name. R.S.O. 1897, c. 44, s. 17. *Amended*.

Registration of
birth within
one year.

18. The Division Registrar may register a birth at any time within one year after the birth occurred. (*New*); (See R.S.O. 1897, c. 44, s. 18.)

Registration
of birth after
expiration
of appointed
time.

19. The Lieutenant-Governor in Council may make regulations for the registration of births which have not been registered under the foregoing provisions of this Act. (*New*); (See R.S.O. 1897, c. 44, s. 18.)

Altering or
inserting name
after registra-
tion.

20. Where the birth of a child is registered, and the name of the child is afterwards changed, or if it was registered without a name, when a name is given to the child, the parent or guardian of the child or other person procuring the name to be changed or given, may within ten years next after the registration of the birth, deliver to the Registrar-General a certificate signed by the minister or person who performed the rite of baptism upon which the name was changed or given, or if the child has not been baptized, signed by the father, mother or guardian of the child, or other person procuring the name of the child to be changed or given, and the Registrar-General, upon the receipt of the certificate may make the necessary alteration
in

in the margin of the schedule containing the original entry, without altering the original entry, and shall note thereon the fact that the change has been made and the date thereof and shall also make the same changes in the indexed record. R.S.O. 1897, c. 44, s. 19.

REGISTRATION OF MARRIAGES.

21.—(1) Every person who solemnizes a marriage shall report the same to the Division Registrar of the Division within which the marriage was solemnized within thirty days thereafter with the particulars required in the prescribed form, which form shall be furnished to him by the division registrar. (*New*); (See R.S.O. 1897, c. 44, s. 20.)

Persons solemnizing a marriage to report same to Division Registrar.

(2) The Lieutenant-Governor in Council may make regulations for the registration of marriages which have not been registered under the foregoing provisions of this Act. R.S.O. 1897, c. 44, s. 21. *Amended.*

Regulations for registration after thirty days.

REGISTRATION OF DEATHS.

22.—(1) The occupier of a house in which a person dies, or if the occupier be the person who has died, then every adult person residing in the house in which the death took place, or if the death has not taken place within a house, then every person present at the death or having any knowledge of the circumstances attending the same, or the coroner who views the body and the duly qualified medical practitioner last in attendance during the last illness of the person who has died shall before the interment supply to the Division Registrar of the Division in which the death took place, according to the best of his knowledge and belief, all the particulars required to be registered touching such death, in the prescribed form. R.S.O. 1897, c. 44, s. 22. *Amended.*

Particulars to be furnished to registrars.

(2) Where a death has occurred in a township or territory without municipal organization the return may be made to the nearest Division Registrar who upon the payment of a fee of 25 cents by the applicant shall register the same on the special form of schedule provided and issue a certificate of registration which certificate shall be sufficient and such Division Registrar shall forward the return to the Division Registrar of the Division in which the death occurred. (*New*); (See R.S.O. 1897, c. 44, s. 24 (2).)

Returns in unorganized territory.

(3) The Division Registrar issuing the said certificate, Fee. as set forth in subsection 2 of this section, shall be entitled to the fee for his own use.

Sub-registrars.

(4) Where upon proper representation to the Registrar General, he is of the opinion that in any section of the Province the registration of deaths for purposes of burial would be facilitated; he may appoint a sub-Registrar for the special purpose of issuing certificates of registration of death upon payment by the applicants of a fee of 25 cents.

Registration and return of sub-registrar.

(5) The sub-Registrar shall register the death upon the special form of schedule provided and shall forthwith transmit the original form to the Division Registrar of the municipality in which the death occurred for registration by him, and the sub-Registrar shall make quarterly returns to the Registrar General in compliance with section 11 of this Act.

Forms for returns to be furnished by Registrar-General.

23. The forms on which such returns shall be made, shall be furnished by the Registrar-General to the Division Registrar who shall supply the same to the duly qualified medical practitioners resident in his Division. R.S.O. 1897, c. 44, s. 23 (*amended*).

Certificate for burial in case of death outside Ontario, etc

24. Where the death has occurred out of Ontario, or the burial is to take place in a municipality other than that in which the death is to be registered, a certificate signed by the Registrar or other proper officer of the municipality or place in which the death occurred shall be sufficient for burial, and the Division Registrar of the municipality in which the burial takes place shall, when requested, receive the certificate and transmit it to the Registrar-General. (*New*); (See R.S.O. 1897, c. 44, s. 24 (3).)

Bodies not to be removed for burial until after registration.

25. A removal for burial or an embalming of the body of any person shall not take place, and an undertaker, clergyman, sexton, householder or other person shall not engage in the burial of the body unless a certificate of registration has been previously obtained from the Division Registrar with whom the death was registered to the knowledge of the person so removing, embalming, or engaging in the burial of the body. R.S.O. 1897, c. 44, s. 24 (1).

Certificate of death.

26. A Division Registrar shall, immediately upon registering any death, deliver without charge to any person requiring the same for the purpose of burial, a certificate in the prescribed form that the death has been duly registered. R.S.O. 1897, c. 44, s. 12.

Duties of persons in charge of cemeteries

27.—(1) A caretaker or owner of a cemetery or burial ground, whether public or private, or a clergyman or other person having charge of a church to which a cemetery or burial ground is attached, shall not permit the interment of the body of any person in the cemetery or burial ground

22a s.

over

over which he has charge, unless he has received a certificate under the hand of the proper Division Registrar that the particulars of the death have been duly registered.

(2) Every such caretaker, owner, clergyman or other person shall on or before the tenth day of January, April, July and October in each year transmit to the Division Registrar of the Division in which the cemetery or burial ground is situate a return in the prescribed form of the burials therein during the previous three months up to and including the last day of the month next preceding for subsequent transmission with the quarterly return to the Registrar General. R.S.O. 1897, c. 44, s. 25. *Amended.*

Returns by caretakers, etc., of cemeteries.

28.—(1) Where burial has taken place without registration, the death may be registered, but registration shall not take place after two years from the death without the written consent of the Registrar-General.

Registration of death after burial.

(2) Registration shall not take place in the case of a body found elsewhere than in a house where a certificate has not been given by a Coroner without the like consent of the Registrar-General.

(3) The fact of such authority having been given shall be entered in the proper column of the register. (*New.*)

PENALTIES AND EXPENSES.

29. If a Division Registrar neglects to make any return as required by this Act, he shall be notified by registered letter of such neglect by the Registrar-General, and if, after notification he fails to make such return within one month, the Registrar-General may refuse to issue the certificate for the payment of the fees due to the Division Registrar even though the return should be made at a later date, and such Division Registrar shall also incur a penalty of \$50. R.S.O. 1897, c. 44, s. 27. *Amended.*

Penalty for registrar's refusal or neglect to make returns.

30. A person who wilfully makes or causes to be made a false statement touching any of the particulars required to be reported and entered under this Act, shall incur a penalty of \$50; and a duly qualified medical practitioner wilfully making a false statement as to the cause of death of any person shall also be subject to discipline by the Ontario Medical Council. R.S.O. 1897, c. 44, s. 28.

Penalty for making false statements.

31.—(1) A person required by this Act to report a birth, marriage, death or burial to the Division Registrar who neglects to do so shall incur a penalty not exceeding \$10.

Penalty for not reporting.

(2) If a return required by this Act to be made by more than one person is made by any one of such persons, the others shall not be liable to the penalty. R.S.O. 1897, c. 44, s. 29.

(2)

(3) Subsection 2 shall not apply to a return required to be made by a duly qualified medical practitioner. (*New.*)

Penalty for other acts or omissions.

32. A person guilty of an act or omission in violation of any of the provisions of this Act, for which no other penalty is provided, shall incur a penalty of not more than \$20. R.S.O. 1897, c. 44, s. 30.

Inspector to investigate upon notification.

33. The Inspector, upon being notified of any violation of this Act, shall make investigation, and where he deems it necessary, or without investigation when directed by the Registrar-General, he shall institute proceedings against any person guilty of any such violation. 60 V. c. 12, s. 9, part. R.S.O. 1897, c. 44, s. 31.

Penalties, how recovered.

34. The penalties imposed by this Act shall be recoverable under *The Ontario Summary Convictions Act* R.S.O. 1897, c. 44, s. 32. *amended.*

Penalties, distribution of.

35. The penalties shall be payable, one moiety to the informant, and one moiety to the municipality in which the offence was committed. R.S.O. 1897, c. 44, s. 33.

Time for commencement of prosecution.

36. Prosecutions for penalties imposed by this Act shall be commenced within one year after the offence or default. *New.* See R.S.O. 1897, c. 44, s. 29, *last part.*

Conduct of prosecutions by Crown Attorney,

37. Prosecutions for any penalty imposed by this Act shall be conducted by the County Crown Attorney when instructed by the Registrar-General. R.S.O. 1897, c. 44, s. 27.

Expenses of prosecution.

38. All expenses of prosecutions under this Act not recovered from the offender, and whether or not a conviction is obtained, shall be payable by the municipality in which the offence was alleged to have been committed. R.S.O. 1897, c. 44, s. 34.

FEES.

Fees of division registrars.

39.—(1) Every municipality shall pay annually, on the first day of February, to the Division Registrar thereof a fee of twenty cents for each complete registration of a birth, marriage or death returned for the preceding year according to the schedules provided under this Act, on the presentation of the certificate of the Registrar-General to the Treasurer of the municipality; but a city or town containing more than ten thousand inhabitants may by by-law limit the aggregate compensation allowed to the Division Registrar.

(2) Fees shall be paid at the rates set forth in this section to every Division Registrar appointed by the Lieutenant-Governor in Council for any Registration Division not included within any municipality, out of any moneys appropriated for that purpose. R.S.O. 1897, c. 44, s. 36. *Amended.*

Fees of registrars in unorganized territory.

40. Chapter 44 of the Revised Statutes of 1897 and all amendments thereto are repealed.

Rev. Stat. c. 44, repealed.

CHAPTER 29.

An Act respecting the Queen Victoria Niagara Falls Park.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Further issue of debentures for \$100,000 subject to those issued under Rev. Stat., c. 45.

1. Subject to the debentures issued and secured under section 11 of *The Queen Victoria Niagara Falls Park Act*, in the order of charge thereby enacted, the Commissioners of the Queen Victoria Niagara Falls Park may from time to time with the approval of the Lieutenant-Governor in Council issue further debentures to an amount not exceeding in all \$100,000 for improvements; the appropriation and application of the proceeds, the form and effect of the debentures, their payment with interest, as also the security guarantee and negotiability thereof shall be as provided by said section 11 of the Act first above cited and the amendments thereto with respect to the debentures therein mentioned.

Application of proceeds of further issue.

2.—(1) The proceeds of the further debentures mentioned in section 1 shall be applied by the Commissioners primarily towards the preservation of the bank of the Niagara River, between Fort Erie and the southerly boundary of the Park proper against erosion, wash or other action by nature affecting or which may affect the same, and the construction of an esplanade on and along the said bank for public purposes and of such width as may be determined and for the purchase of such land as may be necessary or the acquisition thereof by expropriation in accordance with the powers exerciseable by the Commissioners under the Act above cited. The holders of the debentures shall not have to see to the application of the said proceeds.

Reference to county judge to determine value of lands taken.

(2) Where it becomes necessary to determine the value of lands taken under subsection 1 by arbitration, the Commissioners may if they think proper refer the question of the

the amount of compensation to the Judge of the County Court of the county in which the lands are situate and such Judge shall act instead of the Official Arbitrators mentioned in *The Act respecting the Public Works of Ontario* and while so acting shall have all the powers which are conferred upon the Official Arbitrators.

Rev. Stat.,
c. 37.

3. The Act passed in the session of the Legislature of Ontario held in the third year of the present reign, Chapter 6, intituled *An Act providing for the Construction of Works of Improvement along the Bank of the Upper Niagara River*, is repealed, and any expenditure which the Commissioners may have made or incurred under or in pursuance of section 14 of the said Act hereby repealed shall form part or be discharged by the application of moneys to be raised on the debentures authorized under this Act as the Lieutenant-Governor in Council may limit or determine.

3 Edw. VII.,
c. 6, repealed.
Expenditure
may be met
out of
debentures
issued under
this Act.

4. An offence against any by-law made by the Commissioners of the Queen Victoria Niagara Falls Park under the Revised Statute of Ontario, chapter 45 or this Act with the approval of the Lieutenant-Governor in Council, shall be punishable upon summary conviction, and *The Ontario Summary Convictions Act* shall apply thereto.

Offences
against
by-laws.

Rev. Stat. c. 90.

CHAPTER 30.

An Act respecting an Agreement between the Commissioners for the Queen Victoria Niagara Falls Park and The Electrical Development Company of Ontario, Limited.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Agreement
between Park
Commissioners
and Electrical
Development
Co. confirmed.

1. The agreement between the Commissioners for the Queen Victoria Niagara Falls Park and the Electrical Development Company of Ontario, Limited, dated the thirtieth day of August, 1907, a copy whereof is contained in the Schedule hereto (a copy of the map or plan marked "Q" attached to and made part of the said agreement being in the possession of each party) is hereby approved, ratified and confirmed and declared to be valid and binding on the parties thereto, and the Commissioners may do whatever is necessary to give effect to the substance and intention of the said agreement.

Application of
6 Edw. VII.,
c. 31; 7 Edw.
VII., c. 37.

2. *The Ontario Railway and Municipal Board Act, 1906*, and the Act passed in the seventh year of His Majesty's reign (1907), Chaptered 37, shall apply to the said agreement.

Agreement of
29th January,
1903.

3. The statutory agreement dated the 29th day of January, 1903, mentioned in the Schedule hereto, shall be held to mean the agreement of that date mentioned in Chapter 12 of the Acts of the Legislature of the Province of Ontario passed in the fifth year of the present reign.

SCHEDULE "A."

This Agreement made this Thirtieth day of August, 1907, between The Commissioners for the Queen Victoria Niagara Falls Park, acting herein on their own behalf, and with the approval of the Government of the Province of Ontario, and hereinafter called "The Commissioners," of the First Part, and The Electrical Development Company of Ontario, Limited, hereinafter called "The Company," of the Second Part.

Whereas

Whereas the Company have applied to the Commissioners for permission to transmit electric power generated by the Company at their works within the park to the power house of the Canadian Niagara Power Company within the park for a period of three years, to begin from the first day of November next, as hereinafter specified, the transmission of such power to be by means of a conduit to be constructed within the park, as hereinafter specified;

And whereas the Commissioners have laid the application of the Company before the Government of Ontario, and have obtained the approval of the Government to proceed with negotiations in the premises subject to the approval and ratification of an agreement for transmission of electric power as aforesaid, by the Legislature of Ontario as hereinafter specified, and of such amendment as to the terms and conditions of said agreement as the Legislature may require or impose;

Now, therefore, this agreement witnesseth; reference being made to the map or plan marked "Q" attached to and made part of this agreement and identified under the common seals of the parties respectively:—

That the Company, subject to the conditions, stipulations and provisions hereinafter contained, may proceed forthwith to construct the following works, namely:—

(a) To construct an underground conduit or line of tile ducts surrounded by concrete from the existing manhole of the Electrical Development Company at or near point "A" on plan, to the existing manhole of the Canadian Niagara Power Company at point "E" in plan.

(b) To construct concrete manholes on chambers at the points "B," "C" and "D" on plan, such manholes to be wholly underground, but with access thereto through trap doors covered with heavy cast iron plates placed even with the surface of the ground.

(c) To construct a tile drain underneath the line of conduit with suitable and proper outlet.

(d) To lay lead covered cables within the ducts for the purpose of transmitting electric power from "A" to "E" on plan.

(e) All the works aforesaid to be done under the supervision of and to the satisfaction of the Superintendent of the park.

(f) The Company to the satisfaction of the Commissioners to level off and re-surface the grounds disturbed by the construction operations, and grade and re-surface the same with good top soil for a space of twenty feet on either side of the centre line of the conduit.

(g) The works of construction to be begun forthwith, and the whole to be completed on or before the first day of November next, (1907), in respect of which completion time shall be of the essence of this contract.

The Company undertakes to furnish to the Commissioners half yearly on the first days of May and November in each year, the first whereof being the first day of May, 1908, a verified statement of the electrical horse power transmitted by the Company through the conduit or conduits hereinbefore described during the preceding half year.

And it is also stipulated that the Commissioners may instruct their superintendent to view at any time the instruments of measurement of the Company for measuring the electric power transmissible under this agreement, and if any question or dispute arises in respect of such return or of any statement delivered at any time by the Company to the Commissioners in respect hereof the High Court of Justice shall have jurisdiction to hear and determine the same, and to enforce the giving of the information required.

In

In respect of all the rights and authorities which the Commissioners by this Agreement have conferred or agreed to confer upon the Company to exercise in and about the execution of the works to be constructed and operating or working the same, and of all other matters herein agreed upon, the Company will indemnify the Commissioners in respect of the exercise of the said rights by the Company and will hold them safe from any liability to any persons whomsoever.

Provided also that these presents are not to be construed as expressing or implying any covenants by the Commissioners for title or quiet possession.

And in the event of any claims or demands aforesaid being referred before or in any tribunal whether in a court of law or by proceedings of arbitration against the Commissioners or for the Commissioners or in their name, the Company undertake and agree to intervene on behalf of the Commissioners and defend the same or take such action in the premises at the cost and charges of the Company; the Commissioners hereby conferring upon the Company all such rights and powers to act in their name and in their behalf in the premises or to confer such other and further rights and powers as may be required by the Company and necessary.

The parties hereto shall use their best endeavours to procure, and either party hereto may apply to the Legislature of Ontario at its next session for an Act of the Legislature to ratify and approve this agreement, and that the action of the Commissioners in pursuance of the terms of this agreement is on behalf of His Majesty.

Nevertheless this agreement shall be void if no Act be obtained in the premises in the next session of the Legislature of Ontario to the effect aforesaid, and the Company thenceforward to cease using or operating the said works and the transmission of electric power thereby, and remove the said works and grade and restore the grounds as hereinbefore specified.

In the event of no Act being obtained at the next session of the Legislature of Ontario in relation to this agreement as hereinbefore mentioned, or at the termination of the term of three years hereby created by effluxion of time, or other cause, the works constructed in pursuance of this agreement shall be upon one month's notice in writing given by the Lieutenant-Governor in Council or by the Commissioners to the Company removed and taken up by the Company, and the grounds levelled and graded to the satisfaction of the Commissioners, and re-surfaced with good top soil for a space of twenty feet on either side of the centre line of the conduit, and if the said works constructed in pursuance of this agreement be not removed and the ground levelled and re-surfaced in compliance with the said notice, then the said works shall be removed and grounds levelled and re-surfaced by the Commissioners, the cost and expense whereof shall be borne by the Company, and may be recovered by the Commissioners in an action or actions at law.

It is agreed by and between the parties hereto, that neither the execution of this agreement nor any operation thereunder, nor its approval and ratification by the Legislature of Ontario, or as the same may be thereby varied, shall be construed as in any way constituting a waiver or suspension of any right of the Power Company or any right of the Commissioners under the statutory agreement dated 29th January, 1903, and hereinbefore mentioned, or as in any way affecting the terms and conditions of the said statutory agreement made between the Commissioners and the Power Company.

The

The Company undertake, covenant and agree that they will not during the currency of this agreement, or of any extension hereof, do or suffer any act by which the jurisdiction or control of the Legislature of Ontario in respect of their undertaking shall be excluded, ousted, lessened or impaired, and in particular that they will not seek for powers from or place themselves under the jurisdiction or control of any Parliament or Legislature other than the Legislature of Ontario, and that they will not after the expiration of this agreement, or any such extension, use this agreement, or anything contained in, done under or in consequence of said agreement, or of such extension, in or towards excluding or ousting, or lessening, or impairing control of the said Legislature in respect of the Company's undertaking, or for the purpose of seeking for powers from or placing themselves under the jurisdiction or the control of any Parliament or Legislature other than the Legislature of Ontario.

In witness whereof the corporate seal of the Commissioners hath been hereunto affixed in certification of due execution hereof by the Commissioners, and the Electrical Development Company hath affixed its corporate seal, the execution in both cases being on the day and year first aforesaid.

THE COMMISSIONERS OF THE QUEEN VICTORIA NIAGARA FALLS PARK.

(Signed) GEORGE H. WILKES, (Seal).
Acting Chairman.

THE ELECTRICAL DEVELOPMENT COMPANY OF ONTARIO, LIMITED.

(Signed) HENRY M. PELLATT, (Seal).
President.
(Signed) H. H. MACRAE,
Secretary.

CHAPTER 31.

An Act to amend The Act respecting Burlington Beach.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

7 Edw. VII.,
c. 22, s. 24,
amended.

1. Section 24 of *The Act respecting Burlington Beach* is amended by striking out the words "first day of June" in the seventh line thereof and substituting therefor the words "fifteenth day of July."

Commission
authorized
to borrow
\$20,000 for
materials, etc.

2. The Burlington Beach Commission is authorized to raise by loan upon the credit of the said Commission a sum not to exceed \$20,000, for the purpose of constructing, building, purchasing, improving, extending, holding, maintaining, managing and conducting water works and all buildings, materials, machinery and appurtenances thereto belonging and other permanent works for a proposed water works system of the said Commission and a sum not to exceed \$20,000 for enlarging and improving the Park on Burlington Beach.

By-laws for
contracting
debts.

3. The said Commission may pass by-laws for contracting debts for the purposes aforesaid by borrowing money and for the payment of the said debts, and for issuing debentures therefor, and it shall not be necessary to levy any special rate therefor. The whole debt and the obligations to be issued therefor shall be made payable in thirty years at furthest from the time or times when the debentures are issued. The amount falling due for principal and interest in each year on account of said debentures shall be payable out of the general revenues of the Commission.

Lenders to
have
preferential
lien on
revenue of
Commission.

4. The holder of every debenture or other obligation issued under the authority of this Act shall have a preferential charge or lien on the revenues of the said Commission and the said Commission shall pay the said debenture debts in priority to all other debts.

Rev. Stat.
c. 235,
to apply to
Commission.

5. The provisions of *The Municipal Waterworks Act*, except where inconsistent with the provisions of this Act shall apply to the said Commission.

CHAPTER 32.

An Act respecting The Queenston Heights Park.

Assented to 14th April, 1908.

WHEREAS by Letters Patent under the Great Seal Preamble.
of Canada dated 5th of May, 1896, certain Ordinance Lands, surrounding Brock's Monument at Queenston, containing by admeasurement 31 acres, were transferred to be held by the Crown for the use of the Province of Ontario, in trust for the perpetuation of the monument of the late Major General Brock, subject to the condition that the said monument should be preserved from destruction, and the said lands placed and kept under proper supervision; and whereas the Commissioners for the Queen Victoria Niagara Falls Park by the authority of an Order of the Lieutenant-Governor in Council on the 10th March, 1895, assumed the care and supervision of the said monument and surrounding lands; and whereas with the object of further protecting the said monument, the said Commissioners have acquired certain additional lands; and whereas it is expedient that the said several parcels or tracts of land shall be formed into a public park;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Queenston Heights* Short title.
Park Act, 1908.

2. The parcels of land following:—

Park established.

- (a) The ordnance land surrounding Brock's Monument at Queenston in the Township of Niagara, in the County of Lincoln, containing by admeasurement 31 acres, be the same more or less as described in the Letters Patent hereinbefore mentioned;
- (b) The parcel of land in the Village of Queenston in the Township of Niagara and County of Lincoln,

coln, containing by admeasurement 236/1,000 of an acre, be the same more or less, which land was on the 21st August, 1896, conveyed by deed to the Commissioners for the Queen Victoria Niagara Falls Park, registered in the office of the Registrar for the County of Lincoln as Number 3,435 at 10 a.m. of the 28th August, 1896;

- (c) The parcel or tract of land, in the township and county aforesaid, being composed of part of lot number three in the broken front concession, and part of that portion of the Military Reserve purchased by Messrs. Gzowski and Company, from the War Department, containing twelve acres and one-half be the same more or less adjacent to the above mentioned monument lands on the south;
- (d) The parcel or tract of land in the township and county aforesaid, being composed of part of lot number four in the said township containing ten acres more or less adjacent to the monument lands on the north, save and except thereout a strip of land 66 feet wide, for the right of way of the International Railway Company, the centre line of which right of way may be described as follows: Beginning at a point on the southerly side of York Street at a distance westerly from the northwest corner of the land above described of five chains ten links more or less, thence on a curve of 200 feet radius to a point on the southerly limit of the lands described distant seven chains and seventy-five links more or less from the southwesterly corner thereof, which lands have been approved by the Lieutenant-Governor, and marked upon the map of the Park and submitted to the Lieutenant-Governor, and approved in Council and copies whereof duly certified and authenticated are filed and deposited in the office of the Minister of Lands, Forests and Mines, and in the office of the Registrar for the County of Lincoln;

are hereby set apart as a public park to be known as "The Queenston Heights Park," and the said lands and the control and management thereof are vested in the Commissioners for the Queen Victoria Niagara Falls Park as trustees for the Province, subject to the provisions of this Act.

Vested in
Q. V. N. F. P.
Commission.

Certain lands
may be vested
in Commission.

3. Subject to the consent of the Lieutenant-Governor in Council the Commissioners of the Queen Victoria Niagara Falls

Falls Park may acquire and hold for the purposes hereinbefore mentioned, any ordnance or Admiralty lands of Canada adjacent to the Niagara River or within three miles thereof which the Governor-General in Council may vest in them, by lease or otherwise, and the Commissioners shall thereby acquire the same right as any other lessee or licensee under like tenure to protect the said lands against waste, spoil or destruction to, of or upon the said lands.

4.—(1) The said Commissioners with the approval of the Lieutenant-Governor in Council, may from time to time acquire such lands adjacent to or in the vicinity of the lands hereinbefore mentioned in which any historic or public interest is deemed to attach, and shall hold the same in trust for the Province subject to any trust declared in the deed or other instrument under which such lands are acquired and subject to the provisions of this Act.

Power to acquire certain other lands.

(2) Sections 9, 10, 12, 13, 15 and 18 of *The Queen Victoria Niagara Falls Park Act* shall extend and apply to the Queenston Heights Park, provided that where it becomes necessary to determine the value of lands taken under this Act by arbitration the Commissioners may, if they think proper, refer the question of the amount of compensation to the Judge of the County Court of the county in which the lands are situate, and such judge shall act instead of the Official Arbitrators mentioned in *The Act respecting the Public Works of Ontario*, and while so acting shall have all the powers which are conferred upon the Official Arbitrators.

Application of Rev. Stat., c. 45, ss. 9, 10, 12, 13, 15, 18.

Rev. Stat., c. 37.

5. The Park shall be open to the public subject to any rules and regulations as to management made by the Commissioners and approved of by the Lieutenant-Governor in Council.

Park to be open to public.

6. The Commissioners shall not carry on or allow to be carried on in the said Park or upon any of the lands so acquired by them, any noisome or offensive trade or business whatever.

Offensive trades not to be permitted.

7. An offence against any by-law made by the Commissioners of the Queen Victoria Niagara Falls Park shall be punishable upon summary conviction and *The Ontario Summary Convictions Act* shall apply thereto in the same manner as to an offence against any Act of this Province punishable under the said Act.

Offences against by-laws punishable under Rev. Stat., c. 90.

8. The jurisdiction of the police magistrate of the City of Niagara Falls in accordance with the provisions of *The Act to provide for the better Government of that part of Ontario situated in the Vicinity of the Falls of Niagara* shall apply over all offences cognizable by this Act committed on the Queenston Heights Park or the lands which the Commissioners may acquire and hold under this Act.

Jurisdiction of Police Magistrate of Niagara Falls, Rev. Stat., c. 110.

CHAPTER 33.

The Statute Law Amendment Act, 1908.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

7 Edw. VII., c. 2, s. 6, amended. **1.**—(1) Section 6 of *The Interpretation Act* is amended by adding thereto the following subsection:—

Interpretation
sections in
other Acts.

(2) Where an Act contains an interpretation section or provision the same shall be read and construed as subject to the like exceptions to those contained in subsection 1 of this section.

7 Edw. VII., c. 2, s. 7, amended. (2) Section 7 of the said Act is amended by adding thereto the following paragraphs:—

"Assembly." 54. The word "Assembly" shall mean the Legislative Assembly of Ontario.

"High Court," 55. The words "High Court" shall mean the High Court of Justice for Ontario.

"Supreme Court." 56. The words "Supreme Court" shall mean the Supreme Court of Judicature for Ontario.

Imprisonment with hard labour. 57. Where power to impose imprisonment is conferred by any Act it shall authorize the imposing of imprisonment with hard labour.

7 Edw. VII., c. 4, s. 5, amended. **2.** Section 5 of *The Ontario Voters' Lists Act* is amended by adding thereto the following subsection:—

Territory without assessment roll to be deemed unorganized.

(4) Territory comprised in a newly organized municipality for which there is no assessment roll shall for the purposes of subsection 3 be deemed to be still a portion of the Province not comprised in an organized municipality.

7 Edw. VII., c. 4, s. 14, subs. 1, amended. **3.**—(1) Subsection 1 of section 14 of the said Act is amended by striking out the word "order" in the 2nd line thereof and substituting the word "voter" therefor.

(2)

(2) Subsection 5 of the said section is repealed and the following substituted therefor:—

7 Edw. VII.,
c. 4, s. 14, subs.
5, repealed.

- (5) In the case of a list for a town, incorporated village or township, the judge may receive as evidence in support of an application to have the name of a person entered on the list, the affidavit of such person or of some other person who has and deposes that he has personal knowledge of the matter set forth in the affidavit (Form 4); provided that the affidavit is made not earlier than the tenth day next preceding the last day for making complaints to the Judge of the County Court and is delivered to the Clerk of the Municipality before the time for making complaints has expired.

4.—(1) Subsection 1 of section 15 of the said Act is amended by striking out the words “the municipality” in the 2nd and 3rd lines and substituting therefor the words “any municipality in the Electoral District” and by striking out the words “the list for the municipality” in the last line thereof and substituting therefor the words “the list for any municipality in the Electoral District.”

7 Edw., VII., c.
4, s. 15, subs. 1,
amended.

(2) Subsection 3 of the said section is repealed.

7 Edw. VII., c.
4, s. 15, subs. 3,
repealed.

5. Section 22 of the said Act is amended by striking out the figures “22” in the last line thereof and substituting therefor the figures “21.”

7 Edw. VII.,
c. 4, s. 22,
amended.

6. Section 33 of the said Act is amended by striking out the words “having been on the alphabetical list made and posted by the Clerk as aforesaid” in the 2nd and 3rd lines, and the word “afterwards” in the 4th line.

7 Edw. VII.,
c. 4, s. 35,
amended.

7. Subsection 1 of section 39 of the said Act is amended by striking out the word “general” where it occurs in clauses *a* and *b* of the said subsection.

7 Edw. VII.,
c. 4, s. 39, subs.
1, amended.

8. Sections 57 and 59 of the said Act are repealed and the following sections substituted therefor:—

7 Edw. VII.,
c. 4, s. 58, 59,
repealed.

57. The Lieutenant-Governor in Council may appoint Enumerators whose duty it shall be, unless such preparation is suspended by proclamation as hereinafter set forth, to prepare annually the voters' lists for those parts of the Province without municipal organization.

Enumerators
in unorganized
territory.

59.—(1) So soon as may be convenient after the first day of June in each year, but not later than the first day of July, unless the preparation of lists is

When lists to
be prepared.

suspended by proclamation as hereinafter set out, the Enumerator shall cause to be posted in a conspicuous manner throughout those parts of the territory for which he is appointed at every public and separate school house, and at every statutory polling place, and at every other place which may be directed by the Lieutenant-Governor in Council, a copy of this Part, and one or more printed notices in accordance with Form 21; and the Enumerator shall attend at the time and place mentioned in the notice.

Suspension of preparation of lists.

(2) Provided that the Lieutenant-Governor in Council may by proclamation direct that the preparation of Voters' Lists for those parts of the Province without municipal organization or for any specified electoral district may be suspended for any year, and on such proclamation being issued no such Voters' List shall be prepared during that year.

Lists now in course of preparation not affected.

(3) Nothing in this section contained shall affect any list, the preparation of which has been heretofore directed or which is in course of preparation at the time of the passing hereof.

7 Edw. VII., c. 4, ss. 58 and 63 amended.

9. Sections 58 and 63 of the said Act are amended by inserting after the word "Judge" in the third line of each of the said sections the words "Police Magistrate."

7 Edw. VII., c. 4, s. 64 amended.

10. Section 64 of the said Act is amended by adding thereto the following:—

"Nor shall such list be void for any irregularity if there has been a substantial compliance with the requirements of this Act."

7 Edw. VII., c. 4, s. 65, subs. 3 amended.

11.—(1) Subsection 3 of section 65 of the said Act is amended by striking out the word "thirty" in the 1st line thereof, and substituting the word "ten" therefor.

7 Edw., VII., c. 4, s. 65, 65, subs. 4 amended.

(2) Subsection 4 of section 65 of the said Act is amended by adding the following words "save that the time within which notice may be given of any complaint or appeal to be made to the Judge with respect to a voters' list, shall be fifteen days after the Enumerator has posted up the list."

7 Edw. VII., c. 4, s. 66 amended.

12. Section 66 of the said Act is amended by striking out the figures "30" in the first line thereof, and substituting the figures "15" therefor.

Commencement of sections 11 and 12.

13. Sections 11 and 12 shall not come into effect until the 1st day of May, A.D. 1908.

23a s.

14.

14. Section 68 of the said Act is amended by inserting before the figures "42" in the first line thereof the figures "24." 7 Edw. VII.
c. 4, s. 68
amended.

15. Form 4 of the said Act is repealed and the following substituted therefor:— 7 Edw. VII.
c. 4, Form 4
repealed.

FORM 4.

(Section 14, subsec. 5).

I, _____, of the Township of _____, in the County of _____, make oath and say:—

1. That I am (or that _____ is to the best of my personal knowledge) a British subject of the full age of 21 years, and not a citizen or a subject of any foreign country.

2. That I have (or that the said _____ has) resided in the Dominion of Canada for the nine months next preceding the day of _____, 190____. (Fill in the day fixed for beginning to make the assessment roll upon which the Voters' List is based) and that I was (or the said _____ was) on the said day a resident of and domiciled in this municipality.

or
2. That on the _____ day of _____, 190____, (fill in the last day for making complaint to the County Judge), I will have (or the said _____ will have) resided in the Dominion of Canada for the twelve months next preceding that day and that I am (or the said _____ is) a resident of and domiciled in this municipality.

3. That I am (or the said _____ is) entitled to be entered on the Voters' List for the Township of _____.

4. That I am not (or that the said _____ is not) disqualified under *The Election Act* or otherwise by law prohibited from voting at elections for the Legislative Assembly.

Sworn before me at the _____
of _____ in the County of _____
this _____ day of _____
A. D. 190____.

(Signature Justice of the Peace or Commissioner, etc.)

Note.—This affidavit may be made before a Justice of the Peace, a Commissioner for taking Affidavits or a Notary Public.

16. The first 21 lines of Form 5 of the said Act are struck out and the following substituted therefor: 7 Edw. VII.
c. 4, Form 5
amended.

FORM 5.

(Section 17, subsec. 1.)

VOTER'S NOTICE OF COMPLAINT.

To the Clerk of the Municipality of the _____ of _____.

I, *James Smith*, a voter (or a person entitled to be entered on the Voters' List) of the municipality of _____ in the Electoral District of _____, complain (state the names of the persons in respect to whom complaint is made, and the grounds of complaint)

plaint touching each person, or set forth in lists as follows, varying according to circumstances) that the persons whose names are set forth in the subjoined list No. 1 are entitled to be voters in the Municipality of _____, as shown in said list, but are omitted from the Voters' List; that the persons whose names are mentioned in the first column of the subjoined list No. 2 are wrongly stated in the Voters' List; that the persons whose names are set forth in the first column of the subjoined list No. 3 ought not to have been entered on the Voters' List; and that there are errors in the description of the property in respect to which the names are entered on the Voters' List (*or stating other errors*), as shown in the subjoined list No. 4. And take notice, that I intend to apply to the Judge in respect thereof, pursuant to the statute in that behalf.

Dated the _____ day of _____, 19 ____.

JAMES SMITH,
Residence, Township of Beby.

7 Edw. VII.
c. 5, s. 2 subs. 2
amended.

17. Subsection 2 of section 2 of *The Manhood Suffrage Registration Act* is amended by inserting after the word "service" in the second line, the words "persons on service as members of the active militia," and by inserting after the word "city" in the fourth line, the word "and."

7 Edw. VII.,
c. 5, s. 5,
amended.

18. Section 5 of the said Act is amended by adding thereto the following subsection:—

Board for
Niagara Falls.

(2a) In Niagara Falls the members shall be three in number, namely, the Police Magistrate, the Clerk of the Municipality and the Clerk of the Division Court. (See R.S.O. c. 8, s. 8 (8)).

7 Edw. VII.
c. 5, s. 19 subs.
1 cl. b repealed.

19. Clause (b) of subsection 1 of section 19 of the said Act is repealed and the following substituted therefor:—

Absentee
registration.

(b) By reason of such person being

- (i) Temporarily absent from the city and from the county in which the city is situate, or
- (ii) A member of a permanent Militia Corps enlisted for continuous service, or
- (iii) On service as a member of the Active Militia, or
- (iv) A student in attendance at an Institution of learning in Canada.

7 Edw. VII.
c. 5, Form 7
amended.

(2) Form 7 of the said Act is amended by striking out note (e), and substituting therefor the following:

(e) *In case the applicant is a person to whom subsection 2 of section 2 applies, insert the words following: "except occasionally or temporarily (or*

(or as a member of a permanent militia corps enlisted for continuous service or on service as a member of the active militia or as a student in attendance at an institution of learning in the Dominion of Canada, that is to say (*here name institution*) as the case may be.)"

(3) Form 8 of the said Act is amended by inserting in the heading thereof, after the word "corps" the words "or voter on service as a member of the active militia"; by striking out paragraph 4 and substituting therefor the following:

7 Edw. VII.
c. 5, Form 8
amended.

4. That you are a student in attendance at the ,
(or a member of a permanent militia corps
enlisted for continuous service at , or
on service as a member of the active militia at
, as the case may be, and as
such a resident of the municipality of ;"

and by striking out paragraph 7 and substituting therefor the following:

7. That you are now and were on the last mentioned day and for the thirty days preceding the same, as such student (or member of a permanent militia corps or member of the active militia on service) a resident of this electoral district.

(4) Form 9 of the said Act is amended by striking out note (e) and substituting therefor the following:

7 Edw. VII.
c. 5, Form 9
amended.

"(e) In case the applicant is a person to whom subsection 2 of section 2 applies, insert the words following: 'except occasionally or temporarily (or as a member of a permanent militia corps enlisted for continuous service or on service as a member of the active militia or as a student in attendance at an institution of learning in the Dominion of Canada, that is to say (*here name institution*) as the case may be.)'"

20. No deed, or contract, in respect of any matter under the control or direction of a member of the Executive Council shall be binding on His Majesty or be deemed to be the act of such member of the Executive Council unless the same is signed by him or is approved by the Lieutenant-Governor in Council.

Execution of
contracts with
the Crown.

21.—(1) Section 7, subsection 1, of *The Succession Duty Act*, is amended by striking out the words "equal to" in the fifteenth line thereof and inserting "not exceeding" in lieu thereof, and adding at the end thereof the following clause:

7 Edw. VII.
c. 10, s. 7 (1)
amended.

"(a)

Security for
payment of
succession
duty.

“(a) The Treasurer may accept a sufficient sum as security for the due payment of any duty, for which the property may become liable, in lieu of or in addition to any other security, and he may in such event allow and pay to the executor or administrator interest thereon at a rate not exceeding three per cent. per annum until such time or times as the duty or a proportionate part thereof is payable under this Act and no longer.”

7 Edw. VII,
c. 10, s. 13
amended.

(2) Section 13 of the said Act is amended by adding after the word “may” in the second line the words “from time to time,” and after the word “make” in the third line the words “upon such terms as he may deem proper” and after the word “period” in the fifth line the words “in the aggregate.”

Registration of
caution in
respect of a
claim for duty.

(3) Where duty is claimed on any land or money secured by mortgage or charge upon land, the Treasurer may cause to be registered in the proper registry office, or in the proper office of land titles if the land is registered under *The Land Titles Act*, a caution claiming duty in respect of such land, mortgage, or charge by reason of the death of the deceased, and the land, mortgage, or charge shall upon such registration be subject to the lien of the Crown for duty, but nothing herein contained shall affect the rights of the Crown to a lien independently of the said caution.

Rev. Stat., c.
39, repealed.

22. *The Act respecting the Sale of Intoxicating Liquors near Public Works*, is repealed.

7 Edw. VII., c.
18, amended.

23. *The Temiskaming and Northern Ontario Railway Act* is amended by adding thereto the following section:—

Making grants
to municipal-
ities in which
town sites
situated.

21a. The Commission may from time to time with the approval of the Lieutenant-Governor in Council pay to the Municipality in which any such Town site is situate for the general purposes of any such Municipality or for any special purpose designated by the Commission such sum or sums as it may from time to time think proper out of the moneys received by the Commission from mines, minerals or mining operations in such Town site, such payment not to exceed 20 per cent. of the royalty received in any one year, or the sum of \$1,200 in all during any one year, nor to continue after the 31st day of December, A.D. 1917.

Rev. Stat., c.
59, s. 84 (1)
repealed.

24. Subsection 1 of section 84 of *The Surrogate Courts Act* is repealed and the following substituted therefor:

(1)

- (1) Where the fees payable to the Surrogate Judge exceed the sum of \$1,000, a sum not exceeding \$666 may on the authority of an Order-in-Council be paid out of the excess to the Junior Judge (if any) of the county, or to the Senior Judge, where the Junior Judge is Surrogate Judge, whether there has or has not been a commutation of fees as regards the Surrogate Judge.
- Payment of fees to Judge other than Surrogate Judge.

25. Subsection 1 of section 142 of *The Jurors Act* is amended by inserting after the word "dollars" in the 6th line thereof the words "and fifty cents."

Rev. Stat., c. 61, s. 142, subs. 1, amended.

26. Section 18 of *The Execution Act* is amended by striking out the words "the High Court or out of a County Court" in the 2nd and 3rd lines, and inserting in lieu thereof the words "any Court."

Rev. Stat., c. 77, s. 18, amended.

27. Section 2 of *The Act respecting Police Magistrates* is amended by adding the following to clause (a):

Rev. Stat. c. 87, s. 2 amended.

"But in Cities having a population of 18,000 or over by the last municipal census the salary shall not be less than \$2,000 where the Police Magistrate does not practice the profession of law directly or indirectly or engage in any business of any kind. From and after the 31st day of December, 1908, no Police Magistrate in any such city shall practise the profession of Barrister or Solicitor while holding such office."

Police Magistrates in cities of 18,000.

28. *The Ontario Summary Convictions Act* is amended by adding the following section thereto:—

Rev. Stat., c. 90, amended.

- 2a. Where proceedings are taken before any Court of summary jurisdiction in respect of any penalty or punishment imposed under the authority of any statute of the Province of Ontario or of any other statute or law in force in Ontario and relating to matters within the legislative authority of the Legislature of the Province, any exception, exemption, proviso, excuse or qualification whether it does or does not accompany in the same section the description of the offence in the Act, order, by-law, regulation or other document creating the offence, may be proved by the defendant, but need not be specified or negatived in the information or complaint, and if so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant.
- Negating exceptions not necessary in description of offence.
- Imp. Act, 42, 43 V., c. 49, s. 39.

Rev. Stat.,
c. 97 amended.

29. *The Act respecting Coroners* is amended by adding the following section thereto:—

Evidence may
be taken in
shorthand.

15a.—(1) The evidence upon the inquest or any part of the same may, with the sanction of the County Crown Attorney, be taken in shorthand by a stenographer who may be appointed by the Coroner and who before acting shall make oath that he will truly and faithfully report the evidence; and where evidence is so taken it shall not be necessary that such evidence be read over to or signed by the witness, but it shall be sufficient if the transcript be signed by the Coroner and be accompanied by an affidavit of the stenographer that it is a true report of the evidence.

Fees of
stenographer.

(2) The fees of the stenographer shall be paid on the order of the Coroner in the same way as is provided by section 14 of this Act in regard to medical practitioners. (See Criminal Code, s. 683.)

Employment
of interpreters.

30.—(1) The County Crown Attorney may employ any person to act as an interpreter in any criminal cause or matter or at any Coroner's Inquest or investigation and for this purpose he may subpoena such person to attend any Court or Inquest and such interpreter shall for his attendance be paid in the same manner as a witness and out of the same funds such fees as may be fixed by the County Crown Attorney or by the Justice of the Peace, Police Magistrate, Judge or Coroner presiding at the hearing or holding any inquest or investigation.

Fees of inter-
preter.

(2) Where an interpreter is employed at a preliminary investigation the County Crown Attorney shall certify what he deems a reasonable allowance to be paid to the person employed and the amount so certified shall be allowed to such person in the account in respect of the administration of justice and shall be paid by the County.

Rev. Stat.
c. 109, s. 25,
amended.

31. Section 25 of *The Unorganized Territory Act* is amended by adding thereto the following subsection:

Jurors' fees.

(4) The Lieutenant-Governor may from time to time increase the fee allowed to Jurors to a sum not exceeding \$2.50 per day.

7 Edw. VII.,
c. 25, s. 1,
amended.

32.—(1) Section 1 of *The Act to Create the Provisional Judicial District of Sudbury* is amended by adding the following thereto:—

Territory
added to
District of
Sudbury.

"Third: That part of the District of Algoma included within the following limits:—

"All

"All that part of the said district bounded on the south by the northern limit of the Mississauga Forest Reserve and the said limit produced west; on the west by Ontario Land Surveyor T. B. Speight's meridian line of 1898, and its production north to Ontario Land Surveyor Niven's base line; on the north by said base line in latitude 48 degrees 27 minutes 54 seconds north, and on the east by the present dividing line between the said district and the district of Algoma, together with the Township of Salter, including the Town of Massey."

33. Section 24 of the said Act is amended by striking out the words and figures "sections 22 or 23" in the second line of the said section and substituting the words and figures "sections 21 or 22." 7 Edw. VII., c. 25, s. 24. amended.

34. Section 33 of *The Registry Act* is amended by inserting after the word "months" in the second line thereof the words "or such reasonable time, not exceeding twelve months as the Inspector of Registry Offices may determine." Rev. Stat., c. 136, s. 33, amended.

35. Section 55 of the said Act is amended by adding thereto the following subsection:— Rev. Stat., c. 136, s. 55 amended.

- (2) Where an original power of attorney executed by an incorporated company, or other instrument conferring authority upon any person or officer to act for an incorporated company, is deposited in the office of the Provincial Secretary, then in case the Provincial Secretary, or the Assistant Provincial Secretary shall certify a copy thereof and of all documents deposited therewith for the purpose of proving the due execution thereof, and shall state in his certificate that the original is deposited as aforesaid, such copy may be registered in any registry office by deposit thereof without production of the original power and without proof of the execution of said power other than what appears in the said documents. Registration of powers of attorney, etc. executed by incorporated companies.

36. Section 2 of *The Act to amend The Registry Act* passed in the 7th year of His Majesty's reign, Chaptered 29, is amended by inserting immediately after the word "Wentworth" in the 5th line thereof, the words "the County of Carleton." 7 Edw. VII., c. 29, s. 2, amended.

37. Section 102 of *The Registry Act* is amended by adding thereto the following subsection: Rev. Stat., c. 136, s. 102, amended.

Plans showing streets, approval of before registration.

- (6) The Registrar shall not receive or file any map or plan upon which any street, road or lane is laid out unless there is registered therewith the approval of the proper municipal council or the order of the Judge of the County Court approving of such map or plan made upon notice to such council.

Rev. Stat., c. 136, s. 125, amended.

38. Section 125 of the said Act is amended by striking out all the words therein from the commencement down to and including the word "month" in the fifth line and inserting in lieu thereof the words: "The Registrar shall upon request furnish to the Clerk or the Assessment Commissioner or Assessor of any municipality a list of all absolute conveyances by which property has been transferred registered in his office during the next preceding month or any longer period not exceeding one year."

Registrar to furnish lists of conveyances to municipalities.

Rev. Stat. c. 157, s. 11 amended.

39. Section 11 of *The Act respecting Master and Servant* is amended by inserting after the word "wages" in the 3rd line the words "including wages earned by piece work."

Rev. Stat. c. 162 amended.

40. *The Marriage Act*, is amended by adding thereto the following section:

Certain marriages confirmed.

32. Any marriages which, prior to the 1st of January, 1890, were solemnized according to the law of the Province of Manitoba, in that portion of the Province of Ontario lying west of the meridian of the confluence of the Ohio and Mississippi Rivers between persons not under a legal disqualification to contract such marriage are hereby declared to have been and to be lawful and valid marriages so far as respects the civil rights in this Province of the parties or their issue and so far as respects all matters within the jurisdiction of the Ontario Legislature.

Proviso.

- Provided that the parties thereafter lived together and cohabited as man and wife and that the validity of the marriage has not heretofore been questioned in any suit or action, and

Proviso.

- Provided further that nothing in this section shall make valid any such marriage in case either of the parties thereto has since such marriage contracted matrimony according to law and in such case the validity of the marriage shall be determined as if this section had not been enacted.

Proviso.

- * Provided further that nothing in this section contained shall validate any marriage or alleged marriage which may have been contracted by one James Gordon

Gordon Bennett, who died in the City of Winnipeg, in the Province of Manitoba, in the year 1904.

41. In the case of a mortgage, hypothec or other instrument made by an incorporated company securing bonds, debentures, notes or other securities on any rolling stock which is subject to any lease, conditional sale or bailment to a railway company, the same or a copy thereof may be filed in the office of the Provincial Secretary within 21 days from the execution thereof, and if so filed shall be valid as against creditors of such company and as against subsequent purchasers or mortgagees, and no other or further filing or registration thereof shall be necessary.

Deposit of mortgage to secure bonds on rolling stock.

42.—(1) In case of any such mortgage, hypothec or other instrument heretofore made, the same shall be valid as against creditors of such company and purchasers or mortgagees becoming such creditors, purchasers or mortgagees subsequent to the passing of this Act, if the same or a copy thereof is filed in the office of the Provincial Secretary within ninety days from the passing thereof.

Deposit of existing mortgage

(2) Notice of such deposit shall forthwith thereafter be given in the *Ontario Gazette*. (See 6 Edward VII. c. 38, s 7 (Dom.).)

Notice of deposit.

43. Section 12 of *The Act respecting the Licensing of Extra Provincial Corporations*, is amended by striking out the figures "79" in the sixth line and substituting therefor the figures "131."

63 V. c. 24 amended.

44. *The Act respecting Companies for Supplying Steam, Heat, Electricity, or Natural Gas for Heat, Light or Power* is amended by adding thereto the following section:—

Rev. Stat., c. 200, amended.

5. Where a natural gas company or natural gas transmitting company produces or transmits gas for export, the price or charge at which the same shall be supplied to municipalities, incorporated companies and persons shall be subject to regulation by the Lieutenant-Governor in Council. 62 V. (2), c. 8, s. 4.

Regulation of charges by exporting gas companies.

45. Section 5 of *The Ontario Insurance Act* as amended by section 1 of the Acts passed in the third year of His Majesty's reign, chapter 15, is amended by adding the following thereto:—

Rev. Stat., c. 203, s. 5, amended.

(6) Regular meetings of the Board of Directors shall, in the case of all insurance companies heretofore or hereafter incorporated by the Province, be held at least once in every three months of each

Meetings of directors.

each year. Special meetings may at any time be held on the call of the President or acting President, upon at least three days' notice in writing stating the business for which the special meeting is called.

Rev. Stat., c.
205, s. 120,
amended.

46. The proviso added to section 120 of *The Loan Corporations Act*, as amended by section 17 of *The Statute Law Amendment Act, 1905*, is amended by striking out the word "three" in the last line of the said proviso and substituting therefor the word "eight."

Rev. Stat., c.
213, amended.

47. *The Act respecting Cemetery Companies* is amended by adding thereto the following section:—

Owner, etc.,
of cemetery to
register name.

11a. (1) No owner or person in charge of a cemetery or burial ground shall permit any burial therein unless the name of such owner or person in charge has been registered with the Registrar General through the Division Registrar of the municipality in which such cemetery or burial ground is situate.

Section to come
into force
when pro-
claimed.

(2) This section shall come into force and take effect when so declared by Proclamation of the Lieutenant-Governor in Council.

Rev. Stat.,
c. 214, s. 2
amended.

48. Section 2 of *The Act respecting Conveyances to Trustees for Burial Grounds* is amended by striking out the word "section" in the first line and substituting therefor the words and figures "sections 15, 16 and."

3 Edw. VII.,
c. 19, s. 506,
amended.

49. Section 506 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following subsection:—

Allowance to
county for use
of court house
for division
courts.

(3) In the cases of cities and towns separated from the county the use of the court house for the sittings of the Division Court may be taken into account in settling the proportion of the charges to be paid by the city or town for the maintenance of the court house.

3 Edw. VII.,
c. 19, s. 570,
amended.

50. Section 570 of the said Act is amended by striking out the words "county, city or town" in the first line thereof and substituting therefor the word "municipality;" and by adding at the end of the section the words "and the council of the municipality may borrow and issue debentures for the repayment of such principal and interest thereon under and subject to the provisions of this Act;" and by adding thereto the following subsection:—

Telephone
systems.

(2) The power conferred by this section to purchase or lease shall extend to the acquisition, purchase or lease of a telephone business, service, buildings, plant, machinery, and system established under the provisions of the Act, passed in

Purchasing
local systems

in the 6th year of His Majesty's reign, Chaptered 41, intituled *An Act respecting Local Municipal Telephone Systems*.

51. Section 28 of *The Public Health Act* is amended by adding thereto the following words "unless the written consent of the local Board of Health has been first obtained." Rev. Stat. c. 248, s. 28, amended.

52. Section 46 of *The Statute Law Amendment Act, 1903*, is amended by striking out the word and figure "section 7" in the fourth line and substituting therefor the words and figures "sections 7 and 9." 3 Edw. VII, c. 7, s. 46, amended.

53. Section 1 of section 37 of *The Public Schools Act* with all amendments made thereto is repealed and the following substituted therefor: 1 Edw. VII., c. 39, s. 37 (1), repealed.

37.—(1) A school site shall not be selected in a town-School sites.
ship within one hundred yards of any garden, orchard, pleasure ground or dwelling house without the consent of the owner thereof unless in the opinion of the School Inspector a suitable school site cannot be obtained at such a distance in which case the Trustees of the section shall have such powers of expropriation as are possessed by School Boards and Boards of Education in urban municipalities, and where in any case proceedings have been instituted under the enactments hereby repealed, such proceedings may be dropped on payment of costs unless an actual contract for purchase has been concluded.

54. Section 94 of the said Act, and all amendments thereto, are repealed and the following substituted therefor:— 1 Edw. VII., c. 39, s. 94 repealed.

94. Where any teacher or Public School Inspector or other officer of a Public School Board whose time is entirely devoted to the work of the Board retires after serving for twenty years or longer, the Board of Trustees in the case of a teacher, City Public School Inspector or other officer, and the County Council in the case of a County Public School Inspector, may grant him an annual allowance not exceeding the salary which he was receiving at the time of retirement, or may in lieu of such allowance make a grant to such teacher, inspector or officer by way of gratuity of such sum as will represent the present value of an allowance aforesaid for his life, computed on the basis of interest at the rate of four per centum per annum.

School boards
authorized to
provide station-
ery, etc., for
penny savings
banks.

55. The Trustees of Public and Separate Schools, High Schools and Collegiate Institutes shall have power to provide books, stationery and other materials necessary in connection with the establishment and maintenance of Penny Savings Banks or any system introduced for the encouragement of thrift, and the forming of habits of saving among the pupils.

Rev. Stat.
c. 307, s. 1
amended.

56. Section 1 of *The Act respecting the Property of Religious Institutions* as amended by the Act passed in the 4th year of His Majesty's reign, chapter 36, is further amended by adding thereto the following subsection;

Conveyance
of lands to
trustees by
their collective
names.

(5) Where trustees, appointed as in this section is provided, hold land for the purposes aforesaid or any of them and the religious society or congregation for which they hold the said land desires to take a conveyance of additional land for any of the purposes aforesaid, whether such additional land joins the land already held or not and such religious society or congregation desires the same to be held by the same trustees, the said society or congregation or in the case of the Methodist Church the proper quarterly official board may by resolution direct that such land be conveyed to the said trustees by their collective name and upon the conveyance being made as aforesaid, the said land shall vest in the said trustees for the purposes declared by the conveyance thereof and shall be subject to the provisions of this Act in the same manner as the other land held by the said trustees.

Renewal of
land grants to
Ont. Hudson's
Bay and
Western Ry.

57. The grant of 5,000 acres per mile given by section 3 of *The Act respecting aid to certain Railways*, passed in the 62nd year of the Reign of Her Late Majesty, chapter 23, to the Ontario Hudson's Bay and Western Railway, is renewed for a period of three years from the passing of this Act for the portion of the said railway between Missinabie Station on the Canadian Pacific Railway and the National Transcontinental Railway, a distance not exceeding 115 miles.

4 Edw. VII.
c. 18, s. 10 sub. 1
amended.

58. Subsection 1 of section 10 of the Act passed in the fourth year of His Majesty's reign, chaptered 18, is amended by striking out the words "six square miles" in the fifth line of the said subsection and inserting in lieu thereof the words "six miles square."

6 Edw. VII.
c. 19, s. 46 (2)
amended.

59. Subsection 2 of section 46 of *The Statute Law Amendment Act, 1906*, is amended by striking out the words "two years" in the third and fourth lines thereof and substituting therefor the words "three years."

60. Section 17 of *The Toronto General Hospital Act*, 1906, is amended by striking out all the words after the word "aforesaid" in the thirteenth line thereof and substituting therefor the words "and shall not come into force until they shall be approved by the Lieutenant-Governor in Council."^{6 Edw. VII., c. 59, s. 17, amended.}

61. Section 33 of *The Statute Law Amendment Act*, 1907, is amended by striking out the figures "1900" in the sixth line thereof, and substituting therefor the figures "1909."^{7 Edw. VII. c. 23, s. 33 amended.}

62. Section 47 of *The Statute Law Amendment Act*, 1907, is repealed and the following substituted therefor:^{7 Edw. VII. c. 23, s. 47 amended.}

47. Section 35 of *The Statute Law Amendment Act*, 1906, is amended by striking out the figures "1906" in the 6th line thereof, and by substituting the following words and figures "1909; provided that the said company shall have expended a sum not less than \$35,000 in the construction of the said Railway before the 31st day of December, 1908."^{Time for earning subsidy to Bracebridge and Trading Lake Railway.}

63. By-law No. 571 of the Corporation of the County of Oxford passed on the 1st day of November, 1907, and duly approved by Order-in-Council passed on the 29th day of November, 1907, is confirmed and declared to be legal, valid and binding so as to entitle the said Corporation to share in the grant made by *The Act for the Improvement of Public Highways*, and the Lieutenant-Governor-in-Council may direct the payment out of the fund set apart by the said Act of one-third of the cost of the work done before the passing and approval of the said by-law upon the roads mentioned therein, or any of them, as well as one-third of the cost of the work done after the passing and approval of the said by-law in conformity with the provisions of the said Act.^{By-law No. 571 of the County of Oxford declared to be within 7 Edw. VII., c. 16.}

64.—(1) By-law No. 601 of the Corporation of the County of Middlesex, passed on the 6th day of December, 1907, and approved of by Order-in-Council, passed on the 7th day of February, 1908, and all work done under By-law No. 580, of the said County, set out in Schedule "A" to the Act passed in the 6th year of His Majesty's reign, Chaptered 77, are confirmed and declared to be legal, valid and binding, so as to entitle the said Corporation to share in the grant made by *The Act for the Improvement of Public Highways*.^{By-law No. 601 of County of Middlesex declared to comply with 7 Edw. VII., c. 16.}

(2) The Act passed in the 6th year of His Majesty's reign, Chaptered 77, intituled *An Act to confirm By-law No. 580 of the County of Middlesex*, is repealed.^{6 Edw. VII., c. 77, repealed.}

Agreement
between Town
of Barrie and
Grand Trunk
Ry. Co.
authorized.

65. Upon the same being approved by a majority of those voting of the ratepayers qualified to vote on money by-laws, the agreement bearing date the 6th day of April, 1908, and entered into between the Corporation of the Town of Barrie and The Grand Trunk Railway Company of Canada, providing for a fixed valuation for the purpose of assessment of the property of the said Company in the said Town during the period therein mentioned, shall be and is hereby declared to be legal, valid and binding on the said Corporation and the ratepayers thereof and on the said Company.

Settlement of
litigation in
Atty.-Genl. vs.
O'Brien and
Atty.-Genl. vs.
O'Brian.

66. The Lieutenant-Governor in Council may pay to The Alpha Mining Company, in full settlement of all costs, charges, expenses and claims in connection with a certain action brought in the High Court of Justice on behalf of the Attorney-General for Ontario, against M. J. O'Brien, and others, in respect of portions of mining locations RL400, RL401 and RL402, Coleman Township, District of Nipissing, and in connection with a certain other action brought on behalf of the Attorney-General for Ontario, in the High Court of Justice, against J. B. O'Brian, and others, in respect of a portion of mining location RL403 in said Township, and in full settlement of all its claims and the claims of the shareholders of said Company in connection with the mines and mineral rights upon said portions of said mining locations, the sum of \$30,000, to be paid out of the Royalties received by the Government of the Province from said mines and mineral rights up to 31st December, 1907, and a further sum equivalent to 40 per cent. of the amount received, or which may be received by said Government for Royalties from said mines and mineral rights subsequent to 31st December, 1907, such further payment not to exceed in the whole the sum of \$100,000.

Payment to
Town of Essex
of part of fine
imposed on
M. C. Ry.

67. The Lieutenant-Governor in Council may pay to the Corporation of the Town of Essex a sum not exceeding \$11,500, out of the proceeds of the fine imposed on the Michigan Central Railway at the Assizes for the County of Essex held in the month of October, 1907.

8 Edw. VII.,
c. 118, s. 18,
amended.

68. (1) Section 18 of *The Act respecting the Town of Toronto Junction and to Incorporate it as the City of West Toronto* passed at the present Session is amended by adding thereto the following subsection which shall be incorporated in the said Act in the annual volume of the Statutes.

Pending
litigation.

(2) Nothing in this section contained shall affect any action, litigation or other proceeding now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and to the same extent as if this Act had not been passed.

CHAPTER 34.

An Act to amend The Judicature Act.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Judicature Act* is hereby amended by adding Rev. Stat., c. 51, amended. thereto the following as section 101a:—

101a.—(1) In all cases in which it is desired to move to quash a conviction, order, warrant or inquisition, the proceeding shall be by a notice of motion in the first instance instead of by *certiorari*, or by rule or order *nisi*. Procedure substituted for *certiorari*.

(2) The notice of motion shall be served at least six days before the return day thereof, upon the Magistrate, Justice or Justices making the conviction or order, or issuing the warrant, or the coroner making the inquisition, and also upon the prosecutor or informant (if any), and upon the Clerk of the Peace if the proceedings have been returned to his office, and it shall specify the objections intended to be raised. Notice of motion, service of.

(3) Upon the notice of motion shall be endorsed a copy of subsection 4 hereof together with a notice in the following form, addressed to the Magistrate, Justice or Justices, Coroner or Clerk of the Peace as the case may be: Endorsement on notice of motion.

"You are hereby required forthwith after service hereof to return to the Central Office at Osgoode Hall, Toronto, the conviction (*or as the case may be*) herein referred to, together with the information and evidence, if any, and all things touching the matter, as fully and entirely as they remain in your custody, together with this notice.

"Dated

"To A. B.,

"Magistrate at (*or as the case may be*).

"C. D.,

"Solicitor for the Applicant."

(4) Upon receiving the notice so endorsed, the Magistrate, Justice or Justices, Coroner or Clerk of the Peace shall Return by Magistrate, etc.,

shall forthwith return to the Central Office at Osgoode Hall, Toronto, the conviction, order, warrant or inquisition, together with the information and evidence, if any, and all things touching the matter, and the notice served upon him with a certificate endorsed thereupon in the following form:

"Pursuant to the accompanying notice I herewith return to this Honourable Court the following papers and documents, that is to say:—

"1. The conviction (*or as the case may be*);

"2. The information and the warrant issued thereon;

"3. The evidence taken at the hearing;

"4. (*Any other papers or documents touching the matter*).

"And I hereby certify to this Honourable Court that I have above truly set forth all the papers and documents in my custody or power relating to the matter set forth in the said notice of motion."

Effect of certificate.

(5) The certificate shall have the same effect as a return to a writ of *certiorari* or to an order under Consolidated Rule 1101, of the Supreme Court of Judicature for Ontario.

Notice returnable before Judge in Chambers.

(6) The notice shall be returnable before a Judge of the High Court sitting in Chambers.

Limitation of time for proceedings—security by applicant.

(7) The motion shall not be entertained unless the return day thereof be within six months after the conviction, order, warrant or inquisition, or unless the applicant is shewn to have entered into a recognizance with one or more sufficient sureties in the sum of \$100 before a Justice or Justices of the County within which the conviction, order or inquisition was made or the warrant issued or before a Judge of the County Court of the said County or before a Judge of the High Court, and which recognizance with an affidavit of the due execution thereof shall be filed with the Registrar of the Court in which such motion is made or is pending or unless the applicant is shewn to have made the deposit of the like sum of \$100 with the Registrar of the court in which such motion is made with or upon the condition that he will prosecute such application at his own costs and charges without any wilful or affected delay and that he will pay the person in whose favour the conviction, order or other proceeding is affirmed his full costs and charges to be taxed according to the course of the court in case the conviction, order or other proceeding is affirmed.

Powers of Judge.

(8) The Judge shall have all the powers of the court in the like matters and may order the production of papers and documents as he may deem necessary.

Appeal.

(9) An appeal shall lie from the order of the Judge to a Divisional Court if leave be granted by a Judge of the High Court.

2. Section 37 of the Revised Statutes of Ontario, chap. Rev. Stat.,
c. 324, s. 37,
ter 324, and all Rules of Court inconsistent with this Act repealed.
are hereby repealed.

3. The foregoing sections of this Act shall not come Commence-
ment of pre-
ceding
sections.
into force until a day to be named by the Lieutenant-Governor by his proclamation.

4. Section 121 of *The Judicature Act* as amended by Rev. Stat.
c. 51, s. 121,
amended.
section 12 of the Act passed in the third year of His Majesty's reign, intituled *An Act to amend The Judicature Act*, is hereby amended by striking out all the words after the word "referee" in the last line thereof.

CHAPTER 35.

An Act respecting the Weekly Court.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Proceedings
which may be
taken before
Weekly Court
at London.

1. All proceedings in any action or matter which may be heard and disposed of before a Judge in court or by a Judge in Chambers (not including such proceedings as may in the first instance be heard and disposed of by the Master in Chambers or local Judge) may be heard and determined at the weekly sittings of the High Court of Justice at London if the solicitors for all parties reside in that portion of the Province of Ontario, composed of the following counties: Essex, Kent, Lambton, Huron, Middlesex, Elgin, Perth, and Oxford.

Act to be
brought into
force by
proclamation.

2. This Act shall not come into force or take effect until so declared by proclamation of the Lieutenant-Governor in Council.

Powers of
Taxing Officers.

3. The local Taxing Officers at Ottawa and London respectively shall have the same power to tax increased Counsel fees on all applications heard at the Weekly Sitings as now possessed by the Taxing Officer at Toronto. (See Con. Rules 107 and 108.)

CHAPTER 36.

An Act to create The Provisional Judicial District
of Fort Frances.*Assented to 14th April, 1908.*

HIS MAJESTY, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. The following part of the District of Rainy River ^{Territorial Dis-}
is hereby separated therefrom and shall form the ^{trict of}
territorial district of Fort Frances, that is to say:—
Commencing where the boundary line between the
districts of Rainy River and Thunder Bay inter-
sects the International boundary between the Pro-
vince of Ontario and the United States of America, in
Seiganagonse Lake; thence due north astronomically along
said district boundary to the 48th mile post thereon in
latitude 49 degrees 0 minutes 6 seconds north; thence due
west astronomically 89 miles 71 chains 7 links, more or
less, to the 18th mile post on Ontario Land Surveyor
Alexander Niven's 6th meridian line; thence due north
astronomically along said meridian line 6 miles to the 24th
mile post thereon; thence due west astronomically 45 miles,
more or less, to the east shore of Sabaskong Bay of the
Lake of the Woods; thence westerly and southwesterly
along the south shore of said Bay and along the east shore
of the Lake of the Woods to where the same is intersected
by the 49th parallel of latitude; thence due west astronomi-
cally 15 miles to said International boundary; thence south-
erly along said International boundary to the mouth of the
Rainy River; thence southeasterly and easterly up Rainy
River along said International boundary to Rainy Lake;
thence easterly, southerly and southeasterly following the
said International boundary through Rainy Lake and the
several lakes and rivers forming the International bound-
ary, to the place of beginning.

2. The Town of Fort Frances shall be the district town of ^{District town.}
the said new district.

3.

Rev. Stat.
c. 109 amended.

3. Subsection 2 of section 9, subsection 1 of section 10 and subsection 1 of section 11 of *The Unorganized Territory Act* are amended by inserting the words "Fort Frances" after the words "Thunder Bay" in each of the said subsections.

Sittings of
Courts.

4. Sittings of the District Court and of the General Sessions of the Peace shall be held each year at the Town of Fort Frances on the 1st Tuesday of the months of June and November.

Application of
Rev. Stat.
c. 109.

5. The said territory comprised within the said new Territorial District of Fort Frances shall from and after the date named for this Act taking effect be formed into a provisional judicial district by the name of "The Provisional Judicial District of Fort Frances" as if the same had been so declared by the Lieutenant-Governor under *The Unorganized Territory Act*, and the enactments contained in the said Act relating to provisional judicial districts formed by proclamation shall apply to the said district except where inconsistent with this Act.

Rev. Stat.
c. 109, s. 22
amended.

6. Section 22 of *The Unorganized Territory Act* is amended by inserting the words "Fort Frances" after the words "Port Arthur" in the 3rd line of the said section.

Rev. Stat.
c. 109, s. 32,
subs. 1
amended.

7. Subsection 1 of section 32 of *The Unorganized Territory Act* is amended by inserting the words "Fort Frances" after the words "Thunder Bay" in the 1st line of the said subsection.

Rev. Stat.
c. 109, s. 33
amended.

8. Section 33 of *The Unorganized Territory Act* is amended by inserting after the word "Railway" in the 5th line of the said section, the words "or any lands or tenements in the District of Fort Frances which are situate more than twenty miles from the Canadian Northern Railway."

Appointments,
etc., may be
made before
Act comes into
force.

9. Any appointments to be made under this Act and any security to be given or oaths taken, may be made, given or taken at any time after the passing hereof.

Act to be
brought into
force by
proclamation.

10. The next preceding section of this Act shall go into force on the passing hereof and the other parts of this Act shall come into force at such time as may be named by order of the Lieutenant-Governor in Council. After the day named by said Order in Council and until a District Judge shall be appointed for the Provisional Judicial District of Fort Frances, except where it is by this Act otherwise provided, the Judge of the Provisional Judicial District of Rainy River and all other officers shall have jurisdiction and authority in respect of all matters and things in the said

said Provisional Judicial District of Fort Frances, and also in the Provisional Judicial District of Rainy River as now constituted.

11. This Act shall so far as it may be necessary to give effect thereto be read with and as part of *The Unorganized Territory Act*. Act incorporated with Rev. Stat. c. 109.

12. There are hereby established for the said district a District Court and a Surrogate Court. The District Court is to be presided over by a Judge to be appointed in accordance with the provisions of section 6 of *The Unorganized Territory Act* and the District Judge shall be the Judge of the Surrogate Court. Courts established.

13.—(1) Sittings of the High Court for the trial of civil and criminal cases and for other purposes shall be held twice a year at the district town on such days as may be from time to time appointed therefor by the Judges of the High Court. If the Judges of the High Court ascertain on any occasion that any sittings is not required for the due administration of justice it shall not be necessary to appoint a day for the holding thereof. Sittings of High Court.

(2) In case the sittings are to be held the Judges of the High Court or some of them shall issue the necessary precepts for the summoning of grand and petit jurors.

14.—(1) The Clerk of the District Court shall be *ex-officio* local registrar of the High Court. Clerk of district court to be local registrar.

(2) In case after the appointment thereto is made the office of Clerk of the District Court becomes vacant the Clerk of the Division Court at the District town shall be *ex-officio* Clerk of the District Court until another appointment is made. The said Division Court Clerk may be appointed Clerk of the District Court either in the first instance or subsequently in case a vacancy occurs. Clerk of division court to act until Clerk of district court appointed.

(3) The said officers shall keep their offices and, subject to section 85 of *The Unorganized Territory Act*, the sittings of the District Court shall be held at the Town of Fort Frances. When offices to be kept.

15.—(1) Sections 75 and 76 and sections 78 to 83 of *The Unorganized Territory Act* shall apply to the whole District of Fort Frances as described in this Act from and after the date to be named in the proclamation of the Lieutenant-Governor in Council in that behalf, but until such date instruments affecting lands in that portion of the present north division of Rainy River included within the District of Fort Frances by this Act, shall be dealt with as if this Act had not been passed, and the said section Application of Rev. Stat. c. 109, ss. 75-76 and 78-83.

tion 76 is further amended by inserting the words "Fort Frances" after the words "Rainy River" in the third line of the said section.

(2) The office of the Local Master of Titles for the said District of Fort Frances shall be kept in the district town; and the Local Master of the south division of Rainy River shall be the Local Master of Titles for the District of Fort Frances until and unless another person is appointed Local Master of Titles.

Local Master
of Titles at
Kenora to
deliver all
books to Local
Master of Titles
at Fort
Frances.

16.—(1) The Local Master of Titles at Kenora shall deliver to the Local Master of Titles at Fort Frances all books which have been kept exclusively for any territory included in the District of Fort Frances and shall after the passing of this Act whenever so instructed by the Master of Titles re-enter from the present registers for his said district into separate registers all subsisting entries of titles of lands and of mortgages of lands which are situate in the said District of Fort Frances, but in case the Master of Titles ascertains that the subsisting entries of titles aforesaid are so few that it is not expedient to enter the same into a separate register he may direct the Local Master at Kenora to prepare true copies of such subsisting entries, and to append to each such copy a certificate of the truth thereof, and the facts as to executions as in section 21 is provided; and the said copies shall upon the day named in the said proclamation or as soon thereafter as practicable be delivered by the Local Master of Titles at Kenora to the Local Master of Titles at Fort Frances.

(2) The said Local Master of Titles at Kenora shall, whenever instructed as aforesaid, extract from the book kept by him for the entry of such Cautions all subsisting entries of Cautions lodged with him under section 85 of *The Land Titles Act* which affect lands which are by this Act detached from his district and included in the District of Fort Frances, and shall also furnish copies of such entries in his procedure book and other books or registers as the Master of Titles may deem requisite relating to lands in his district which are by this Act detached therefrom as aforesaid; and the said copies shall likewise be delivered at the said time to the Local Master at Fort Frances.

Local Master
of Titles at
Kenora to
deliver instru-
ments to Local
Master of Titles
at Fort
Frances.

17. The Local Master of Titles at Kenora shall also deliver as aforesaid to the Local Master of Titles at Fort Frances all original instruments filed or registered with him which relate exclusively to lands included within the said District of Fort Frances and certified copies of all such instruments relating to land in the said district as well as to the lands remaining in the District of Rainy River, as the Master of Titles shall direct.

18. The Local Master of Titles at Fort Frances may enter in the registers all instruments so delivered to him which have not been entered in the registers and may complete the entries which have not been completed in respect of any such instrument and may date all such entries as they would have been dated if the entries had been made and completed by the Local Master of Titles at Kenora, and may continue and complete all applications, proceedings and matters pending before the Local Master of Titles at Kenora respecting land in the said District of Fort Frances.

Duty of Local Master of Titles at Fort Frances.

19.—(1) The Local Master of Titles at Kenora shall also deliver as aforesaid to the said Local Master at Fort Frances certified copies of all writs of execution in force in his hands which affect lands included by this Act within the District of Fort Frances.

Writs of execution to be delivered to Local Master of Titles at Fort Frances.

(2) Every such copy shall have written thereon a memorandum of the time of the receipt thereof by the Local Master of Titles at Kenora.

(3) Such copies shall with respect to such lands have the same effect and shall be dealt with in the same manner as if they had been furnished by the Sheriff to the Local Master of Titles at Fort Frances, and shall at the time of their delivery as aforesaid have the same priority as at the time of their delivery as aforesaid they respectively held in the office at Kenora.

20. Where the effect of a copy of a writ has been varied by a subsequent certificate of the Sheriff or by an order of court the Local Master of Titles at Kenora shall also deliver as aforesaid a certified copy of such certificate or order to the Local Master of Titles at Fort Frances.

Variance of writ to be certified to Local Master of Titles.

21.—(1) In case the Local Master of Titles at Kenora shall at any time ascertain that through oversight or otherwise any parcel of land within the District of Fort Frances had been erroneously omitted from the register or registers prepared under section 16 or of which a copy has not been certified under that section he shall prepare a true copy of the subsisting register of any such parcel and shall append thereto a certificate stating that such copy is a true copy of the register of the land therein described and such Local Master shall also state in such certificate whether or not there is in such office a copy of any execution which affects such land, and if there is any such execution shall give the particulars thereof and shall deliver the copies so prepared to the Local Master at Fort Frances.

Correction of errors in registers.

(2) Where through oversight the title to any land is registered in the wrong district, the Local Master of Titles for the district in which such land is registered shall prepare

prepare

pare a true copy of the subsisting register of such land and shall append thereto a certificate as in this section mentioned, and shall deliver the same to the Local Master of Titles of the district in which such land is situate.

Varying certificates when lands in another district.

22. Where a Local Master of a district delivers a certified copy of the register of any parcel of land he shall when the parcel in his register includes land remaining in his district vary his certificate by stating that the said copy is a true copy of the register so far as the same relates to land in the other district, naming it, and shall vary the copy accordingly.

Entry of transfer of lands to another district.

23. The Local Master of Titles shall thereupon note in the register of the parcel that the land affected by his certificate has been transferred to the other district.

Registering owner of land subject to charges.

24. The Local Master of Titles receiving a copy certified under sections 16, 21 or 22 of a subsisting register of title shall thereupon register as owner of such parcel of land or charge the person who by such copy appears to be the owner thereof subject to the various charges, cautions, inhibitions, qualifications and other incumbrances affecting the same appearing in the said copy and shall also enter as an incumbrance in the register of the parcel any execution affecting such land or charge mentioned in the said certificate.

Names of Fort Frances and Rainy River may be changed.

25. The Lieutenant-Governor in Council may by proclamation change the name of the District of Fort Frances as hereby constituted to that of Rainy River and the name of the District of Rainy River as hereby constituted to that of Kenora, the said changes to take effect from such time as may be named in the said proclamation.

CHAPTER 37.

An Act to amend the Act regulating the Payment
by Counties of certain Expenses of Criminal
Justice.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. *The Act regulating the Payment by Counties of cer-* Rev. Stat.
c. 102,
amended.
tain Expenses of Criminal Justice is amended by adding
the following as section 6a:

6a. The Chairman of the Board of Audit shall have the Powers of
chairman of
County Board
of Audit as
to summoning
witnesses.
power of summoning before the Board any person and of
requiring him to give evidence on oath, and to produce
such documents and things as the Board may deem requi-
site to the full investigation of such accounts and demands,
and for that purpose shall have the same power to enforce
the attendance of any person and to compel him to give
evidence and produce documents and things as is vested in
any court in civil cases.

CHAPTER 38.

An Act to amend The Land Titles Act.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.
c. 138, s. 110
amended.

1. Section 110 of *The Land Titles Act* is amended by adding at the end thereof the following words, “and no map or plan upon which a street, road or lane is laid out shall be filed in any such office unless there is filed therewith the approval of the proper municipal council or unless such map or plan is approved by the Judge of the County or District Court of the County or District in which the lands lie, where the same are not in the County of York or City of Toronto, or by the Master of Titles where the lands are in the County of York or City of Toronto, after notice in each case to the proper municipal council.”

CHAPTER 39.

An Act to amend The Act respecting the Law Society of Upper Canada.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) Section 8 of *The Act respecting the Law Society of Upper Canada* is amended by adding thereto the following subsections:—

(2) No person shall be elected as a Benchers unless he has been nominated as hereinafter mentioned, and every vote cast for any person not so nominated shall be void.

(3) The nomination shall be in writing by a nomination paper, which shall be signed by at least ten of the persons entitled to vote at the election.

(4) The nomination paper shall be delivered at the office of the Secretary of the Law Society or sent by mail to the Secretary, so as to be received thereat sometime during the first fifteen days of the month of March of the year in which the election is to take place, and if not so delivered or received shall be invalid and shall not be acted upon. The Secretary shall on the sixteenth day of the said month of March, or on the first juridical day thereafter, mail notice in writing to each nominee informing him of his nomination.

(5) Any person who is nominated as a Benchers may refuse to become a candidate, and he shall be deemed not to have been so nominated and his name shall not be included in the list of candidates, if he notifies the Secretary in writing of his refusal within four days after the mailing of such notice to him.

(6) If the number of persons who remain as candidates be not greater than the number of Benchers to be elected, they shall be deemed to be elected Benchers.

Rev. Stat., c.
172, s. 8
amended.

Nomination
required.

Nomination
paper.

Time for send-
ing in nomina-
tion papers.

Notice of
nomination to
be given
nominee.

Declining
nomination.

Election by
acclamation.

Rev. Stat., c.
172, s. 10,
amended.

2. Section 10 of the said Act is amended by inserting at the beginning thereof the words "in case a poll is necessary."

Rev. Stat., c.
172, s. 11
repealed.

3. Section 11 of the said Act is hereby repealed and the following substituted therefor:—

List of candi-
dates when
more than
those to be
elected.

11. If the number of persons who remain as candidates be greater than the number of Benchers to be elected it shall be the duty of the Secretary to send with the said form of voting paper, a list of the persons so nominated and who remain as candidates, upon which list he shall indicate by asterisks and a foot note, those of such persons whose term of office as Benchers is about to expire.

Rev. Stat., c.
172, s. 15,
amended.

4. Section 15 of the said Act is hereby amended by adding thereto the following subsections:—

When election
not held at
proper time.

(2) If from any cause any election provided for by this Act should not be held as hereinbefore provided, the Benchers in Convocation shall make provision for holding the same and fix the dates for the nomination and the other proceedings for taking, counting and recording the votes thereat and declaring the result thereof, and such proceedings shall, so far as may be practicable, be made conformable with those provided by this Act.

Filling
vacancies
when number
elected in-
sufficient.

(3) If a fewer number than thirty be elected the elected Benchers shall fill up the vacancies.

CHAPTER 40.

An Act to amend The Pharmacy Act.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 26 of *The Pharmacy Act* is amended by adding thereto the following subsections:—

Rev. Stat.
c. 170, s. 26
amended.

(2) No person shall sell by retail, furnish or dispose of alkaloid cocaine or its salts or alpha or beta eucane or their salts or any admixture of cocaine or eucane except upon the written prescription of a legally qualified medical practitioner, which shall be retained by the person who sells, furnishes or disposes of the same.

Sale of cocaine
etc., except
upon prescrip-
tion pro-
hibited.

(3) The prescription shall not be filled more than once and no copy thereof shall be taken by or given to any person by the person who has the custody or control thereof.

Prescription
not to be filled
more than
once.

(4) Alkaloid cocaine or its salts and alpha and beta eucane or their salts shall not be sold or disposed of by wholesale except upon the written order of a pharmaceutical chemist, a legally qualified medical practitioner, a licensed veterinary surgeon or a licentiate of dental surgery and unless the person so selling or disposing by wholesale affixes or causes to be affixed to the bottle, box, vessel or package containing the articles sold and also upon the outer wrapper of the package as put up by the manufacturer a label distinctly displaying the name and quantity of cocaine or its salts or alpha or beta eucane or its salts, sold or disposed of and the word "poison" with the name, address and place of business of such person, all printed in red ink.

Wholesaler not
to sell except
to pharma-
ceutical
chemist.

(5)b

Record of sales
to be kept by
vendor.

(5) The person who so sells or disposes by wholesale shall before delivering any of such articles make or cause to be made in a book kept for that purpose an entry of the sale or disposal thereof stating the date of sale or disposal, the quantity, name and terms in which the sale or disposition was made, the name in full and the address of the person to whom the sale or disposal was made and the name of the person by whom the entry was made, and the book shall always be open to inspection by the proper authorities and shall be preserved for at least five years after the date of the last entry made therein.

CHAPTER 41.

An Act to amend The Act respecting Stationary Engineers.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 5 of *The Act respecting Stationary Engineers* ^{7 Edw. VII., c.} passed in the seventh year of His Majesty's reign, Chap-^{32, s. 5 amend-}tered 32, is amended by striking out the words "July, 1908," in the fourth line and inserting in lieu thereof the words "January, 1909."

CHAPTER 42.

An Act to revise and amend The Chartered Accountants Act.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

General
Powers.

1. "The Institute of Chartered Accountants of Ontario," incorporated by an Act passed in the forty-sixth year of the reign of Her late Majesty Queen Victoria, and Chaptered 62, is hereby continued as a body politic and corporate, with perpetual succession and a common seal, and shall, subject to the provisions of this section, be capable in law, by its corporate name, to take, purchase, hold, sell, and dispose of, all and any goods, chattels, lands, tenements and hereditaments and any real or personal property whatsoever, and any interest therein, which may from time to time be necessary or convenient for the purposes of the Institute; but the Institute shall not engage in trade, or so deal in lands, or any interest therein, but may receive, manage and invest voluntary contributions and donations from members or others as a benevolent fund for the benefit of needy or nonprosperous members or their families, including families of deceased members; provided always that the said Institute shall only have power to acquire and hold such real estate as shall not at any one time exceed an annual value of three thousand dollars, and shall have and hold such real estate only so far as the same shall be necessary for the purposes of the said Institute within Ontario.

Objects.

2. The objects of the Institute shall be to promote and increase, by all lawful ways and means, the knowledge, skill and proficiency of its members, in all things relating to the business or profession of an accountant, and to that end to establish classes, lectures and examinations, and prescribe such tests of competency, fitness and moral character as may be thought expedient to qualify for admission to membership.

25a s.

3.

3. An annual meeting shall be held for the election of the Council of the Institute, and for such other business as may be brought before such meeting, at such time and place and under such regulations and notices, as by the by-laws of the Institute shall be determined; and in default of such election being held at the proper time the existing Council shall continue to act until their successors shall be duly appointed.

Annual Meeting.

4.—(1) The Council of the Institute shall consist of fifteen members, of whom not less than two-thirds shall be public accountants, residing and practising within the Province.

Council.

(2) Nominations of candidates for election to the Council must be in writing, signed by two members of the Institute, and must be lodged with the Secretary at least fourteen days before the date of the annual meeting.

Nominations for council.

(3) A voting paper containing the names, alphabetically arranged, of the persons nominated for election to the Council, shall be sent by mail to each member in good standing at least ten days before the date of the annual meeting, and the Council shall be elected by means of such voting papers, whether the members voting be present at or absent from the annual meeting.

Election of Council.

(4) All vacancies which may occur in the Council, by death or otherwise, in the interval between two annual meetings, may be filled by the Council.

Vacancies.

5. The Council shall elect from among its number a President, two Vice-Presidents, a Secretary and a Treasurer (the same person being eligible for both the last mentioned offices), and shall appoint a Registrar and such other officers as may be provided for by the by-laws.

Officers.

6. The Council may fix an entrance and annual fee or subscription to be paid by all members, and may vary the amount from time to time, and no member shall be personally liable for any debt of the Institute beyond the amount of his unpaid fees or subscription as aforesaid.

Fees.

7.—(1) The council may make by-laws for carrying out its objects, and may alter and vary the same from time to time, but no such by-laws or any amendments thereto shall have force or take effect until they shall have been approved at the annual meeting of the Institute, or at a special general meeting called to consider the same.

By-laws.

(2) Any such by-law shall be liable to be cancelled and annulled by an order of the Lieutenant-Governor in Council.

Examinations. 8. The Council shall have authority from time to time to prescribe a curriculum of studies to be pursued by the students, to determine the fitness and moral character of persons applying to be examined, to prescribe the subjects upon which candidates for certificates of competency shall be examined, to fix standards of skill and competency, to establish a scale of fees to be paid by persons applying for examination, to appoint examiners, define their duties and fix their remuneration, and to make such rules and regulations (not contrary to the provisions of this Act or the by-laws of the Institute) in respect to examinations as may be expedient. The Council shall hold examinations at least once in each year.

Equivalent examinations. 9. The Council shall by by-law prescribe the conditions upon which persons who have passed the examinations of other corporate bodies having the same or similar objects, may be admitted as members of the Institute, and these conditions shall be reasonable and subject to annulment by the Lieutenant-Governor in Council.

Lectures. 10. The Institute may establish lectures and classes of students in accounts, and may, subject to the approval of the Lieutenant-Governor in Council, make arrangements with any University or College in Ontario for the attendance of students in accounts at such lectures or classes in any such University or College as may come within the course of subjects prescribed by the rules, by-laws and regulations of the Institute, and may, subject as aforesaid, agree with any such University or College for the use of any library or museum or property belonging to or under the control of such University or College, and may affiliate with any such University or College, and may enter into all arrangements necessary for such end, upon such terms as may be agreed upon.

Membership. 11. The membership of the Institute of Chartered Accountants of Ontario shall consist of two classes, namely, Fellows and Associates. Every member of the Institute shall have the right during the continuance of his membership, to use the designation "Chartered Accountant," and may use after his name, in the case of a Fellow, the initials "F.C.A.," signifying "Fellow of the Chartered Accountants," and in the case of an Associate the initials "A.C.A.," signifying "Associate of the Chartered Accountants."

Honorary membership. 12. Persons who shall have rendered conspicuous services to the Institute, either in the advancement of its educational objects or its general welfare or by material contributions to the library or other funds of the Institute, may by the unanimous vote of the members present at any meeting

ing of the members, be elected to honorary membership of the Institute. Honorary membership shall not confer upon any person elected thereto the right to use the designation "Chartered Accountant" or to be elected to the Council or to vote.

13. No person shall be entitled to take or use the designation of "Chartered Accountant" or the initials "F.C.A.," "A.C.A.," or "C.A.," either alone or in combination with any other words, or any name, title or description implying that he is a Chartered Accountant, or any name, title, initials or description implying that he is a certified accountant or an incorporated accountant, unless he is a member of the Institute in good standing and registered as such. Any person using a name, title, initials or description contrary to the provisions of this section shall be liable on summary conviction to a fine not exceeding \$25 for each offence. ^{Penalties.}

14.—(1) The Council shall cause to be kept by the Secretary or Registrar, a book or register, in which shall be entered in alphabetical order the names of all members in good standing; and those members only whose names are inscribed in the book or register aforesaid shall be deemed entitled to the privilege of membership in the Institute; and such book or register shall at all times be subject to inspection by any person free of charge. ^{Membership register.}

(2) Such register, or a copy of the same duly certified by the Secretary or Registrar, shall be *prima facie* evidence in all courts and before all persons that the persons therein specified are members of the Institute in good standing, and the absence of the name of any person from such book shall be *prima facie* evidence that such person is not a member of the Institute.

15. The Institute may by by-law provide for the suspension or expulsion, on complaint and after due enquiry, of any member for misconduct or for violation of the rules or by-laws of the Institute. ^{Expulsions.}

16. Nothing in this Act shall affect or interfere with the right of any person not a member of the Institute to practise as an accountant in the Province of Ontario, nor with the right of any person, not residing or having an office within this Province, to use any designation as accountant. ^{Rights of certain persons not affected.}

CHAPTER 43.

An Act to amend The Ontario Companies Act.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

7 Edw. VII.
c. 34 amended. 1. The various sections of *The Ontario Companies Act*, being chapter 34 of the Statutes of the seventh year of the reign of King Edward the Seventh, are hereby amended in the maner following, that is to say:—

Sec. 3. (1) Section 3. By striking out the words “except the construction or working of railways for public use within Ontario, the business of insurance, and of Loan Corporations within the meaning of *The Loan Corporations Act*,” and inserting in lieu thereof the following: “except those of railway companies within the meaning of *The Ontario Railway Act*, insurance companies within the meaning of *The Ontario Insurance Act*, and loan corporations within the meaning of *The Loan Corporations Act*.”

6 Edw. VII., c.
30, Rev. Stat.,
c. 203, Rev.
Stat., c. 205.

Sec. 13. (2) Section 13. By striking out the first eight lines, and substituting in lieu thereof the following: “The directors of any corporation may from time to time pass by-laws authorizing an application, by petition to the Lieutenant-Governor, to direct the issue of Supplementary Letters Patent to the corporation embracing any or all of the hereinafter set out matters after such by-law has been confirmed by vote of not less than two-thirds in value of the shareholders or members present in person or by proxy at a general meeting of the corporation duly called for considering the subject of such by-laws.”

Sec. 36 (3). (3) Section 36 (3). By striking out the word “The” in the first line thereof and substituting therefor the word “Every.”

Sec. 44. (4) Section 44. By striking out the words “and directors” in the first line thereof.

(5) Section 73. By inserting as clause (c) thereof imme- Sec. 73.
diately following clause (b): "For pledging or selling such
bonds, debentures or other securities for such sum and at
such prices as may be deemed expedient or be necessary."

(6) Section 73. By adding to said section the following: Sec. 73.
"Provided, however, that nothing in this part of this Act
shall apply to promissory notes, bills of exchange, bills
of lading, warehouse receipts or other securities of a com-
mercial nature issued in the ordinary course of business."

(7) Section 74. By inserting the words "or members" Sec. 74.
after the word "shareholders" in the third line and in
the seventh line thereof.

(8) Section 75. By inserting the word "shares" after the Sec. 75.
words "conversion of" in the second line thereof.

(9) Section 81. (1) By striking out the words "three Sec. 81 (1) (2).
directors or" in the fourth and fifth lines thereof and the
words "if such majority numbers more than three" in the
fifth and sixth lines thereof, and subsection (2) by strik-
ing out the words "three or" in the fifth line thereof.

(10) Section 82. By striking out the word "by-law" in Sec. 82.
the ninth line, and substituting therefor the word "resolu-
tion."

(11) Section 86 (2). By substituting in lieu thereof the Sec. 86 (2).
following: (2) No by-law for either of the said purposes
shall take effect until confirmed by a vote of not less than
two-thirds in value of the shareholders present in person
or by proxy at a meeting of the company duly called for
considering the same. A copy of the by-law certified
under the seal of the company shall be forthwith filed in
the office of the Provincial Secretary and published in the
Ontario Gazette; and in case of the removal of the head
office, twice in a newspaper published in each of the places
where the head office was fixed and to where it is to be
removed, or as near thereto as may be.

(12) Section 90. By inserting the words "except as here- Sec. 90.
inbefore provided" after the word "corporation" in the
fourth line thereof.

(13) Section 94. By striking out the word "by" in the Sec. 94.
fourth line thereof and inserting the word "for."

(14) Section 100. By inserting before the word "shall" Sec. 100.
in the seventh line the words "responsible for the pros-
pectus."

- Sec. 100 (1). (15) Section 100 (1). By striking out of the proviso following the subsection the numeral "5" in the third line thereof, and substituting therefor the numerals "99."
- Sec. 100 (3). (16) Section 101 (3). By striking out the word "Act" in the second line thereof, and substituting the word "section."
- Part X. (17) By striking out the Roman numerals IX., immediately preceding section 131, and inserting in lieu thereof the Roman numeral X.
- Sec. 131. (18) Section 131. By adding thereto the following subsection:—
8. Corporations heretofore incorporated under any Act hereby repealed except chapter 191 of the Revised Statutes of Ontario, 1897, and Acts consolidated therewith or for which the said Act was substituted shall make such returns under the section as are required from corporations without share capital.
- Part XI. (19) By striking out the Roman numeral "X" immediately preceding section 139, and inserting in lieu thereof the Roman numerals "XI."
- Part XII. (20) By striking out the Roman numerals "XI" immediately preceding section 147, and adding in lieu thereof the Roman numerals "XII."
- Part XIII. (21) By striking out the Roman numerals "XII" immediately preceding section 154, and inserting in lieu thereof the Roman numerals "XIII."
- Part XIV. (22) By striking out the Roman numerals "XIII" immediately preceding section 169, and inserting in lieu thereof the Roman numerals "XIV."
- Part XV. (23) By striking out the Roman numerals "XIV" immediately preceding section 171, and adding in lieu thereof the Roman numerals "XV."
- Sec. 189. (24) Section 189. By striking out the numerals "162" in the second line thereof and inserting in lieu thereof the numerals "188."
- Sec. 206. (25) Section 206. By striking out the numerals "187 (2)" in the third line thereof and inserting "204 (2)."
- Sec. 153a. 2. The following is added as section 153a:—
- Trust companies. (1) Where a trust company is authorized to execute the office of executor, administrator, trustee, receiver, assignee, guardian of a minor, or committee of a lunatic, then in case the Lieutenant-Governor in Council approves of such company

company being accepted by the High Court as a Trusts Company for the purposes of such Court, the said Court or any Judge thereof, and every other Court or Judge having authority to appoint such an officer may, with the consent of the company, appoint such company to exercise any of the said offices in respect of any estate or person under the authority of such Court or Judge, or may grant to such company probate of any will in which such company is named an executor, but no company which has issued, or has authority to issue, debentures shall be approved as aforesaid.

(2) A trust company so approved of may be appointed to be a sole trustee, notwithstanding that, but for this Act, it would be necessary to appoint more than one trustee, and may also be appointed trustee jointly with another person.

Company may be appointed sole trustee.

(3) Such appointment may be made whether the trustee is required under the provisions of any deed, will or document creating a trust, or whether the appointment is under the provisions of *The Act respecting Trustees and Executors and the Administration of Estates or otherwise*.

When appointment may be made.

Rev. Stat. c. 123.

(4) Notwithstanding any rule of practice, or any provision of any Act requiring security, it shall not be necessary for the said company to give any security for the due performance of its duty as such executor, administrator, trustee, receiver, assignee, guardian or committee, unless otherwise ordered.

Security need not be given by company.

(5) The Lieutenant-Governor in Council may revoke the approval given under this section, and no Court or Judge after notice of such revocation, shall appoint any such company to be an administrator, trustee, receiver, assignee, guardian or committee, unless such company gives the like security for the due performance of its duty as would be required from a private person. R.S.O. 1897, Cap. 206, sec. 8.

Revocation of approval by Lieutenant-Governor in Council.

CHAPTER 44.

An Act to amend The Ontario Railway Act, 1906.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

6 Edw. VII.
c. 30, s. 2 subs.
12 repealed.

1. Subsection 12 of section 2 of *The Ontario Railway Act* is repealed and the following subsection substituted in lieu thereof:—

"Judge,"
meaning of.

(12) "Judge" shall mean a Judge of the High Court or of a County Court and shall include a Judge of a District Court.

6 Edw. VII.
c. 30, s. 2, subs.
18 amended.

2. Subsection 18 of said section 2 of *The Ontario Railway Act, 1906*, is amended by adding after the word "Company" in the eighth line thereof the following:—
"and shall include a mortgagee of said lands."

6 Edw. VII.
c. 30, s. 61,
amended.

3. Section 61 of said Act is amended by adding after subsection 2 thereof the following subsection:—

Order of Judge
authorizing
sale to com-
pany.

"When such persons have no right in law to sell or convey the rights of property in the said land they may obtain from a Judge after due notice to the persons interested the right to sell the said land. The said Judge shall give such orders as are necessary to secure the investment of the purchase money in such a manner as he deems necessary in accordance with the law to secure the interests of the owner of the said land."

"Land,"
meaning of
in 6 Edw. VII.
c. 30, ss. 59-74.

4. Whenever in sections 59 to 74 inclusive of the said Act, the word "land" occurs, it shall include any privilege or easement required by the company for constructing or maintaining the works authorized or any portion thereof over and along any land, and any such privilege or easement may be acquired, without the necessity of acquiring a title to the land.

5. Subsection 6 of section 68 of the said Act is amended by striking out the words "opposite party" in the first line thereof and substituting in lieu thereof the word "owner" and by striking out the word "party" in the fifth line thereof and substituting therefor the word "owner"; and subsection 10 of said section 68 is amended by striking out the words "opposite party" in lines four and five thereof and substituting in lieu thereof the word "owner."

6 Edw. VII.
c. 30, s. 68, subs.
6 amended.

6. Section 87 of said Act is amended by adding after subsection 4 thereof the following subsection:—

6 Edw. VII.
c. 30, s. 87
amended.

(4a) Whenever the railway passes alongside of and immediately adjacent to a public highway, neither the company nor the municipality shall be required to erect and maintain a fence between the company's lands and the highway unless the Board otherwise orders or directs. But where the railway becomes diverted from alongside of the highway the company shall erect and maintain cattle guards at the point of diversion and the railway fences at such point of diversion shall be turned into the cattle guards.

Fencing line
adjoining
highway.

CHAPTER 45.

An Act to amend The Ontario Railway Act, 1906.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

6 Edw. VII.,
c. 30, s. 68,
sub-s. 5
amended.

Appointment
of arbitrators.

1. Subsection 5 of section 68 of *The Ontario Railway Act, 1906*, is amended by inserting after the word "Company" in the sixth line thereof the words "six days" notice of which shall be given to the owner," by striking out the words "an Ontario land surveyor" in the seventh line thereof and substituting therefor the words "a person," and by adding to the said subsection the following proviso: "Provided that the judge shall, at the request of either party, on such application, appoint three arbitrators to determine such compensation, one of whom may be named by each party on such application."

6 Edw. VII.,
c. 30, s. 68,
sub-s. 9
amended.

Fixing date for
making award.

2. Subsection 9 of section 68 of *The Ontario Railway Act, 1906*, is amended by adding after the word "best" in the seventh line thereof the words "and in the case where two of such arbitrators are appointed by the parties and the third arbitrator is selected by them shall fix a day on or before which the award shall be made, and may from time to time, with the consent of all parties, but not otherwise, extend such time."

Edw. VII.,
c. 30, s. 68,
sub-s. 16
amended.

Arbitrator
dying, refusing
to act, etc.

3. Subsection 16 of section 68 of *The Ontario Railway Act, 1906*, is repealed and the following substituted therefor:

(16) If the arbitrator appointed by the judge or if any arbitrator appointed by the parties, or any third arbitrator appointed by the other two arbitrators, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, or refuses or neglects to make his award within the time fixed,

fixed, then, in the case of any sole or third arbitrator appointed by the judge, upon the application of either party, such judge being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another arbitrator in his place, and the company and party respectively may each appoint an arbitrator in the place of his arbitrator deceased or not acting as aforesaid, or in the case of such arbitrator being a third arbitrator, jointly appointed by the other two arbitrators, the remaining arbitrators may jointly appoint a third arbitrator or upon their failure to agree upon such third arbitrator either party, upon one day's notice to the opposite party, may apply to the judge to appoint such third arbitrator, and such judge shall appoint such arbitrator, but no recommencement or repetition of prior proceedings shall be required in any case, provided that the proceedings may be commenced *de novo* if the majority of the arbitrators so order.

4. Subsection 19 of section 68 of *The Ontario Railway Act, 1906*, is repealed, and the following substituted therefor: 6 Edw. VII.,
c. 30, s. 68,
sub-s. 19
repealed.

- (19) In the event of the company having taken possession of the property prior to the making of the award it shall after receiving a written notice from one of the arbitrators of the making of the award, take up the same and shall pay to the arbitrators their costs of the award, and shall furnish to the owner a copy of such award upon demand, and any party may appeal from such award within thirty days after the same has been so taken up by the company, upon any question of law or fact to any judge of the High Court, and upon the hearing of the appeal the judge shall, if the same is a question of fact, decide the same upon the evidence as in a case of original jurisdiction. In case the arbitrator or arbitrators award that the costs of the arbitration or any portion thereof shall be paid by the owner of the lands they may in their award provide that any sum so paid by the company for taking up such award may be retained out of the moneys offered by the company for the lands in dispute, or may make such other direction in respect to the same as to them may seem just and proper. Taking up
award and
payment of
costs.

CHAPTER 46.

An Act to amend The Ontario Railway and
Municipal Board Act, 1906.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

6 Edw. VII. c.
31 s. 19 (1) dc l
amended.

Regulations.

1. The clause lettered (*d*) in subsection 1 of section 19 of
The Ontario Railway and Municipal Board Act, 1906, is
amended by inserting after the word “fenders” in the
second line the words “brakes, sanders and vestibules, steps,
seats, heating, lighting, open or closed cars.”

CHAPTER 47.

An Act respecting certain Aid towards the Construction of the Canadian Northern Ontario Railway and Terminals.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Lieutenant-Governor in Council is hereby authorized on such terms and conditions, not inconsistent with the provisions of this Act, as may be agreed upon with the Canadian Northern Ontario Railway Company (formerly called the James Bay Railway Company) and hereinafter referred to as the Company, to guarantee the payment of the principal and interest of the bonds, debentures and other securities (hereinafter called securities) of the Company payable on June 30th, 1938, and bearing interest at the rate of three and one-half per cent. per annum, payable half-yearly, for the amounts and purposes hereinafter stated. Guarantee authorized.
2. The securities shall be secured by mortgage covering the lines of railway and terminal and other properties in the first, second and third parts of the Schedule hereto specified and the kind of securities to be guaranteed and the form and terms thereof, the form and terms of the mortgage securing them and the trustees of such mortgage, the times and manner of the issue of the securities, and the form and manner of the guarantee shall be such as the Lieutenant-Governor in Council may approve. Security.
3. The said guarantee shall be signed by the Provincial Treasurer or such other officers as may be designated by the Lieutenant-Governor in Council, and upon being so signed, the Province of Ontario shall become liable for the payment of the principal and interest of the securities guaranteed according to the tenor thereof, and the Lieutenant-Governor in Council is hereby authorized to make arrangements for supplying the money necessary to fulfil the Execution of guarantee

the requirements of the said guarantee and to advance the amount necessary for that purpose out of the public funds of the Province, and in the hands of any purchaser, pledgee or other person acquiring any of such securities the said guarantee so signed shall be conclusive evidence that the terms of this Act have been complied with.

Statement of
securities to be
guaranteed.

4. The securities hereby authorized to be guaranteed are as follows:—

(a) Securities to the amount of \$20,000 or its equivalent in sterling or other money per mile of the Company's lines of railway specified in the first part of the Schedule hereto.

(b) Securities to the amount of the expenditure heretofore made in acquiring the lands and premises for terminal purposes specified in the second part of the Schedule hereto and in making improvements thereon for terminal purposes, including wharves, docks, warehouses, tracks and other terminal works and facilities.

(c) Securities to an amount representing sixty-five per cent. of the expenditure hereafter made in acquiring other lands for extensions of the said terminal lands and premises, and in making improvements thereon for terminal purposes, and on the lands and premises mentioned in sub-clause (b) of this section. Provided, always, that the total amount of the securities authorized by sub-clauses (b) and (c) of this section shall not exceed \$1,500,000.

(d) Securities to the amount of the outstanding debenture stock issued by the Company and guaranteed by the Province under the provisions of Chapter 20 of the Statutes of Ontario for the year 1904, representing \$20,000 per mile of the line of railway specified in the third part of the Schedule hereto.

Proviso.

Provided that the securities authorized by this sub-clause (d) are to be deposited with the trustees of the mortgage in section 2 referred to, and are to be used only in exchange for said debenture stock and from time to time as such outstanding debenture stock is received to be exchanged the trustees shall, at the request of the Company, certify and deliver in exchange therefor securities hereby authorized to an amount equal to the principal of the debenture stock so received in exchange, and the trustees and the Company may make with the holders of the debenture stock so received such adjustment as may be necessary with respect to the current half-year's interest on the debenture stock and on the securities given in exchange.

Proviso.

Provided, further, that until the whole of the said outstanding debenture stock has been received in exchange as above provided for, the rights and priorities of the debenture stock

stock actually received in exchange shall, for the protection of the Government and of the holders of the securities given in exchange, be maintained and preserved, and the said debenture stock in the hands of the trustees shall enure to the benefit of the Government and of such holders.

Provided, also, that when the whole of the said outstanding debenture stock has been received in exchange the same shall be cancelled and the mortgage securing it shall be discharged.

5. The certificate of the Minister of Public Works as to the mileage of the lines specified in the first part of the Schedule hereto, and as to the expenditures referred to in sub-clauses (b) and (c) of section 4 of this Act shall for the purposes of this Act be conclusive. Certificate of mileage.

6. The provisions of sections 4, 5 and 6 and subsections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 14 of section 7, Chapter 20 of the Statutes passed in the fourth year of His Majesty's reign entitled *An Act respecting certain Aid towards the Construction of the James Bay Railway* shall form part of this Act, and have the same force and effect as if enacted herein, and for the purposes of this Act the expressions in the said sections and subsections which refer to the line of railway aided by the said Act shall be deemed to refer to the lines of railway and the terminal lands and terminal purposes above referred to. Certain sections of 4 Edw. VII, c. 20, incorporated.

7. The work of constructing the lines of railway specified in the first part of the Schedule hereto shall be commenced on or before the first day of September, A.D. 1908, and shall proceed with the utmost dispatch, and shall be completed within two years from the said day unless prevented by the act of God, the King's enemies, internal disturbances, epidemics, floods, strikes or other cause beyond the control of the Company. If for any of the causes aforesaid the work of construction is delayed, the Company may make application to the Lieutenant-Governor in Council for an extension of time, and the Lieutenant-Governor in Council may grant such extension for the period of such delay. Time for commencement and completion.

SCHEDULE "A."

FIRST PART.

The following lines of railway, viz.:

(a) From the main line of the Canadian Northern Ontario Railway to Key Inlet.

(b) From the main line of the Canadian Northern Ontario Railway to Moose Mountain Mines.

(c) From the last mentioned line to Garson Mines.

26 s.

(d)

(d) From the main line of the Canadian Northern Ontario Railway to Orillia.

The total distance of the said four lines (a), (b), (c) and (d) not to exceed fifty (50) miles.

SECOND PART.

(a) Such of the lands in the City of Toronto lying between Eastern Avenue on the north, Front Street on the south, Cypress Street on the east, and Trinity Street on the west, as have been or may be acquired for the purpose of freight terminals; also a parcel of freehold property lying north of Eastern Avenue and adjoining the westerly boundary of the right of way of the Canadian Pacific Railway.

(b) Such of the lands in the Township of York, being portions of lots 11, 12, 13, 18, 19 and 20, in the second concession from the Bay, and lying between the right-of-way of the Canadian Pacific Railway on the east and the right-of-way of the Toronto Belt Line Railway on the west, as have been or may be acquired for the purposes of terminal yards.

(c) Such lands on the north and south sides of Key Inlet, in the District of Parry Sound, and of the water lots on front thereof, as have been or may be acquired for terminal purposes.

THIRD PART.

The line from Toronto to Sudbury referred to in Chapter 20 of the Ontario Statutes for the year 1904, including in the case of the four lines mentioned in the first part of this schedule, and in the case of the line mentioned in this part, the right-of-way, station grounds and other real estate and interest therein, buildings, and other structures and improvements, rolling stock and equipment, plant, machinery, tools, supplies, materials and other personal properties, present and future, required for the purposes of the said lines of railway or in connection with the operation, maintenance or repair thereof, and upon the tolls, incomes and revenue of the said Company arising and to arise from the said lines of railway, and the rights, privileges, franchises and powers of the Company now or hereafter held in respect thereof, subject, however, to such charges thereon as may exist under the mortgage securing the securities guaranteed under the Act of Ontario, Chapter 20, of the Statutes of 1904.

CHAPTER 48.

The Municipal Amendment Act, 1908.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 24 of *The Consolidated Municipal Act, 1903*, as enacted by section 1 of *The Municipal Amendment Act, 1906*, is amended by adding after the word "town" in the sixth line the words "and after due notice of such resolution and petition has been given by such city or town to such adjacent township." 3 Edw. VII., c. 19, s. 24, subs. 1. Adding territory to city or town.

2. Section 80 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "municipality" in the fifth line "no trustee of a police village." 3 Edw. VII., c. 19, s. 80 amended.

3. Section 106 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following subsection:— 3 Edw. VII., c. 19, s. 106, amended.

(4) In case a poll clerk signifies to the returning officer in writing that he will not act as poll clerk, the returning officer shall appoint another person to act in his place and stead, and in case a poll clerk neglects to attend at the opening of the poll the deputy returning officer shall appoint another person to act, and the person so appointed shall have all the powers and authority which he would have had if he had been appointed by by-law. Appointment of poll clerk when original appointee refuses to act.

4. Section 348 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "in the form of Schedule 'C' to this Act" in the fifth line thereof. 3 Edw. VII., c. 19, s. 348 amended.

5. Section 390 of *The Consolidated Municipal Act, 1903*, is repealed and the following substituted therefor: 3 Edw. VII., c. 19, s. 390, repealed.

390.

Publication
of County
By-law
creating debts

390. Except in the case provided for by subsection 2 of section 389, no by-law of a County Council for contracting any debt or loan mentioned in section 388 shall be valid unless a copy of the proposed by-law, together with a notice of the day upon which the said by-law will be considered has been published once a week for four weeks in some newspaper issued weekly or oftener within the county as constituted for judicial purposes (of if there is no such public newspaper, then in a public newspaper published nearest to the county) the first publication being at least three months before the day fixed for the consideration of any such by-law. Any such by-law may be passed either on the day mentioned in such notice, or at a subsequent regular or special meeting of the Council as may be determined upon by resolution of the Council. The notice required by this section may be in the following form or to that effect:

The above is a true copy of the proposed by-law to be taken into consideration by the County Council of the County (or united Counties) of _____ at _____ in the said County (or united Counties) on the day of _____ 19____, at the hour of _____ o'clock in the _____ noon, at which time and place the members of the Council are hereby required to attend for the purposes aforesaid.

3 Edw. VII., c.
19, s. 484, subs.
2, amended.

6. Subsection 2 of section 484 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "hire" in the last line thereof, the words "or for use with vehicles in conveying passengers."

3 Edw. VII.
c. 19, s. 509,
subs. 1
amended.

7. Subsection 1 of section 509 of *The Consolidated Municipal Act, 1903*, is amended by striking out the word "criminal" in the 14th line and inserting in lieu thereof the words "the administration of."

3 Edw. VII., c.
19, s. 536, subs.
13, amended.

Polling places
in schools, etc.

8. Subsection 13 of section 536 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "three or less" in the sixth line thereof, and substituting therefor the word "any."

3 Edw. VII., c.
19, s. 541,
amended.

9. Section 541 of *The Consolidated Municipal Act, 1903*, is amended by adding the following paragraph:

By-laws as to
pits, etc.

7. For preventing, regulating and controlling the location, and making of pits and quarries.

The location and making of pits and quarries in contravention in any such by-law may in addition to any other remedy, provided by law, be restrained by action at the instance of the municipality passing such by-law.

10. Subsection 4 of section 550, and subsection 1 of section 583 of *The Consolidated Municipal Act, 1903*, are hereby repealed. 3 Edw. VII., c. 19, s. 550 subs. 4; 583 subs. 1, repealed.

11. Section 559 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following paragraph:— 3 Edw. VII., c. 19, s. 559, amended.

2a. For regulating parades or processions on highways, and in connection with such parades or processions for regulating the use of the highways and all traffic upon the same. Parades.

12. Section 579 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following subsection:— 3 Edw. VII., c. 19, s. 579, amended.

(20) It shall and may be lawful for any municipality which has at any time heretofore abolished market fees, to re-establish the same by by-law of the council thereof, and thereafter to impose market fees in accordance with the provisions of this Act and the preceding subsections of this section, as well as the provisions of section 580, shall apply to all such markets as to which market fees have been reimposed. By-laws re-establishing market fees.

13. Subsection 11 of section 580 of *The Consolidated Municipal Act, 1903*, is repealed, and the following substituted therefor:— 3 Edw. VII., c. 19, s. 580, subs. 11, repealed.

11. For seizing and forfeiting any articles except bread, when of light weight or short measure. Seizing articles short in weight or measure.

14. Subsection 4 of section 583 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "gain" in the second line thereof the words "and proprietary clubs which," and by adding to the said subsection the following:—"The words 'Proprietary club' for the purposes of this subsection shall be deemed to mean a club wherein the members or some of them are not shareholders of the said club, or in some similar manner interested in the assets of the club." 3 Edw. VII., c. 19 s. 583, subs. 4 amended.

15. Subsection 10 of section 583 of *The Consolidated Municipal Act, 1903*, is amended by adding at the end thereof after the word "amusement" the words "and for prohibiting the location of any of such places of amusement, or a particular class of the same, on any street or portion of street to be named in the by-law." 3 Edw. VII., c. 19, s. 583, subs. 10. Places of amusement.

16. Subsection 22 of section 583 of *The Consolidated Municipal Act, 1903*, is amended by adding at the end thereof the words "dealers in second hand goods shall include $2\frac{1}{2}$ s. 3 Edw. VII., c. 19, s. 583, cl. 22 amended.

Licensing
collectors of
rags, bones,
bottles, etc.

include persons who pass from house to house or along streets or lanes for the purpose of collecting, purchasing or obtaining second hand goods, including bottles, bicycles, waste paper, rags, bones, old iron or other scrap or junk."

3 Edw. VII., c.
19, s. 586, subs.
6, amended.

Smoke
prevention.

17. Subsection 6 of section 586 of *The Consolidated Municipal Act, 1903*, as enacted by section 17 of *The Municipal Amendment Act, 1907*, is amended by striking out all the words after the word "by-law" in the last line thereof.

3 Edw. VII., c.
19, s. 591, subs.
4, amended.

18. Paragraph 4 of section 591 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "*The Public Libraries Act or The Act respecting Mechanics' Institutes and Art Schools*" in the 2nd and 3rd lines and substituting the words "any Act."

3 Edw. VII.
c. 19, s. 618
amended.

19. Section 618 of *The Consolidated Municipal Act, 1903*, as enacted by section 24 of *The Municipal Amendment Act, 1907*, is amended by adding thereto the following subsection (7):—

(7) In order to remove doubts it is hereby declared that any order made under this section may cover both the building and the maintenance or either of them.

3 Edw. VII.
c. 19 amended.

20. *The Consolidated Municipal Act, 1903*, is amended by inserting the following as section 618b:

Agreements for
maintenance
and repair of
certain town-
ship bridges.

618b.—(1) Notwithstanding anything contained in sections 617a and 618, the council of the local municipality may, after the resolution mentioned in the said sections has been passed and served upon the clerk of the county, enter into an agreement with the council of the county respecting the maintenance and repair of any such bridge; and in the case of any such bridge respecting which an order has heretofore been made the council of the local municipality and county may enter into an agreement to vary the terms of the original order, but only in relation to the cost of maintenance and repair to be paid by the county or the proportion thereof to be paid by the local municipality to the county. In either of such events the judge of the county court of the county shall, on the application of the local municipality and county, make an order embodying the terms of the agreement or, if necessary, varying the terms of any former order made by him as aforesaid, and no appeal shall lie from any order made under this section.

- (2) Any order made under subsection 1 shall be registered in the registry office for the registry division in which the local municipality is situated.

21. Subsection 2 of section 630 of *The Consolidated Municipal Act, 1903*, is amended by adding at the end thereof the words, "and no highway or street shall be laid out by any owner of land except with the approval of the proper municipal council or of the judge of the county court after notice to such council." 3 Edw. VII., c. 19, s. 630, subs. 2 amended.

22. Paragraph 10 of section 640 of *The Consolidated Municipal Act, 1903*, is repealed and the following substituted therefor:— 3 Edw. VII., c. 19, s. 640, subs. 10, repealed.

10. For entering upon, or passing through, into or over any lands within the municipality, and for searching for and taking from any such lands such timber, gravel, stone or other material as may be necessary for keeping in repair any road or highway within the municipality; Taking gravel, etc., for roads.
- (a) The powers conferred by this paragraph shall be subject to the provisions of this Act with regard to compensation for lands taken or injured:
- (b) The said powers may be exercised within an adjoining municipality if the council of that municipality by resolution consent thereto.

23. Section 677 of *The Consolidated Municipal Act, 1903*, as amended by section 38 of *The Municipal Amendment Act, 1906*, is further amended by inserting the words "or a curb" after the word "sidewalk" in the third line, and by inserting the word "curb" after the word "sidewalk" in the tenth line thereof. 3 Edw. VII., c. 19, s. 677, amended. Curbs.

24. Section 15 of *The Municipal Amendment Act, 1907*, is amended by striking out the words "Statute Law" in the second and third lines and substituting therefor the word "Municipal." 7 Edw. VII., c. 40, s. 15 amended.

25. Paragraph 5 of section 537 of *The Consolidated Municipal Act, 1903*, is amended by adding at the end the words "or to appoint an engineer."

26. *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following section:—

- 678a.—(1) The Council and the owners or a majority of the owners of the real property on both sides of a street or part of a street on which a sidewalk is proposed to be constructed as a local improvement, Agreement for charging cost of sidewalk against property on both sides.

improvement, may agree that the cost of the work shall be specially assessed on the real property on both sides of the street or part of the street which abuts directly on the work, and as to the proportion of costs to be specially assessed on the real property on each of such sides and that for any period which may be agreed on a sidewalk shall not be constructed on the other side of such street or part of a street, or that when a sidewalk is constructed thereon the original assessment may be varied as far as may be necessary to readjust the same on a fair and just basis, and that all necessary refunds consequent on such readjustment may be made.

- (2) The Council may thereupon undertake the work as a local improvement and the provisions of this Act as to local improvements, except in so far as they are inapplicable by reason of the terms of the agreement, shall apply.
- (3) The proceedings for and incidental to the readjustment of the original assessment shall, as nearly as may be, be the same as upon a new assessment under the provisions of subsection 3 of section 672.
- (4) A petition for the work embodying the terms to which the petitioners are willing to agree shall be a sufficient agreement on the part of the owners within the meaning of subsection 1 and the passing of the by-law in compliance with the petition shall be a sufficient agreement on the part of the Council.
- (5) This section shall also apply retrospectively to any such agreement made before the passing of this section and to any by-law passed in pursuance thereof.

3 Edw. VII.,
c. 19,
amended.

27. *The Consolidated Municipal Act, 1903*, is amended by inserting therein the following section, 687a:

Laying water-
mains in streets
as local
improvements.

687a. The Council of any township or village may upon the petition of at least two-thirds of the persons resident in any street or in any portion thereof defined in the petition, pass a by-law providing for the laying of a water main upon such street or portion of a street and for connecting the adjoining property of private owners therewith, and for connecting such water main with the water works system of any adjoining city or town with the consent of the Council thereof, and for issuing debentures therefor, and for levying a special rate upon the

the lands adjoining such street or portion of a street for the payment thereof, provided that the municipality at large shall not be liable for any portion of the cost of such work.

28. Subsection 1 of section 714 of *The Consolidated Municipal Act, 1903*, as amended by subsection 1 of section 41 of *The Municipal Amendment Act, 1906*, is further amended by adding after the word "village" in the second line the words "having a population of not less than 150," and by striking out the word "shall" in the second line and substituting therefor the word "may."

3 Edw. VII.,
c. 19, s. 714,
subs. 1,
amended.

Population of
police village.

CHAPTER 49.

An Act respecting Local Municipal Telephone Systems.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Local Municipal Telephone Act, 1908.*

Interpretation.

2. In this Act;—

"Subscriber."

(a) "Subscriber" shall mean and include all persons who shall from time to time apply for the connection of their premises with a telephone system established under this Act or the Act passed in the 6th year of His Majesty's reign, Chaptered 41, and all persons whose premises are so connected.

(b) "Initiating municipality" shall mean a municipal corporation establishing a telephone system under this Act or the said Act passed in the 6th year of His Majesty's reign.

"System."

(c) "System" shall mean a telephone system established under the said Act or under this Act.

3. A petition may be presented to the council of any municipality praying for the establishment of a local telephone system for the convenience of the subscribers.

Particulars to be stated in petition.

4. The petitioners in their original or in any supplementary petitions shall set forth such particulars as the council may require, including a statement showing the location of the proposed system and the manner in which it is proposed that the system shall be constructed and maintained.

5.

5. The council may by by-law provide at the expense of the subscribers, and subject to such conditions as may be set forth in such by-law for the establishment and maintenance of the system and the extension thereof from time to time, upon the application of such persons as may desire to become subscribers.

By-law for establishing system.

6. Every system constructed and installed under the provisions of this Act, and all works and property acquired, erected or used in connection therewith, shall be vested in the initiating municipality in trust for the benefit of the subscribers.

System to be vested in corporation in trust for subscribers.

7. All works done at any time under this Act shall be deemed to be works done by the initiating municipality, and in carrying out the same, and in the management, maintenance, control and extension of any system established under this Act, the initiating municipality shall have and may exercise all or any of the powers conferred upon corporations of counties, cities and towns by sections 571, 572 and 573 of *The Consolidated Municipal Act, 1903*, and the said sections shall apply to any municipal corporation establishing a telephone system under this Act.

Powers of corporation installing system

8. The cost of constructing, erecting, installing and maintaining any system under this Act or any extension thereof shall be defrayed by the subscribers thereto in such proportion as they may agree upon among themselves, or, in default of agreement, or to the extent of any default in payment of the amounts agreed upon, such cost shall be defrayed by special rate to be levied upon the subscribers, or such of them as may be in default, and any such rate may be collected by action as an ordinary debt against the persons liable therefor, or may be added to the collector's roll as taxes due from any person in default, and may be collected in the same manner as other taxes.

Cost of construction and maintenance.

9. The council of the initiating municipality may, with the consent of the council of any adjoining municipality, from time to time, extend the system into such adjoining municipality, and erect the poles and wires of such system along the highways thereof and upon or over private property.

Works in another municipality.

10. The initiating municipality may enter into agreements for the connection of the system with any other telephone system owned or controlled by any individual or any company or by a municipal corporation, or may, with the consent of the subscribers, acquire by purchase or otherwise upon such terms as may be agreed upon, any existing telephone system operating in the municipality or any portion of the plant and appliances thereof.

Connection with other systems.

Issuing
debentures
for cost of
work.

11.—(1) Where the subscribers or a majority of them in a petition for the establishment or extension of the system pray that the payment of the cost of the work may be extended over a period not exceeding ten years, and that debentures of the initiating municipality may be issued to pay the cost of the said work the council of the initiating municipality in the by-law providing for such establishment or extension may provide for the issue of debentures payable within ten years from the date of the issue thereof and that the proceeds of such debentures shall be applied in payment of the cost of establishing or extending the system and for levying a special rate upon the property of the subscribers sufficient to discharge any debt so incurred in equal annual instalments of principal and interest.

When system
extends into
another
municipality.

(2) Where the system extends into a municipality other than the initiating municipality the clerk of the initiating municipality shall forward a copy of the by-law imposing such special rate to the clerk of any other municipality in which the premises of a subscriber are situate and the amount of such special rate shall be added to the taxes payable by such subscriber upon the annual collector's roll and shall be collected in the same manner as other taxes in the municipality in which the premises are situate and when collected shall be handed over to the Treasurer of the initiating municipality.

Deficiency in
amount
required to
meet annual
instalments
of debt.

(3) In case the amount collected from the subscribers is insufficient to meet any annual instalment of principal and interest falling due the deficiency shall be made up out of the general funds of the municipality and shall constitute a debt due from the subscribers to the initiating municipality, and be collected in the same manner as any other liability incurred on behalf of the subscribers under this Act.

System
heretofore
established.

12. Where a municipal corporation has heretofore incurred a debt in establishing or extending a system established under the said Act passed in the 6th year of His Majesty's reign, Chaptered 41, the council of the initiating municipality may by by-law provide for the issue of debentures for the payment of such debt and any agreement heretofore entered into by the subscribers to such system to pay such debt shall be deemed sufficient authority for the passing of the by-law, providing that the by-law shall in all other respects comply with the provisions of section 10 of this Act.

Establishment
of exchange

13. Any municipal corporation may agree with any person for the establishment of the exchange or switchboard of a telephone system established under this Act in any suitable building owned or occupied by such person, and
for

for the operation of such exchange or switchboard by such person and may embody the terms of such agreement in the by-law for establishing or extending the system.

14. The Ontario Railway and Municipal Board may, from time to time, fix the standard requirements of any telephone system to be established under this Act, and the erection and construction of such system, and the instruments and appliances to be used in connection therewith, shall at all times conform to such requirements.

Fixing Government standard for system.

15. The Lieutenant-Governor in Council may authorize an officer of the Department of Public Works or of the Department of Agriculture or any other officer at the seat of Government at Toronto to superintend the carrying out of this Act, and to direct and advise any municipal corporation in the establishment or operation of any works authorized by this Act and the proceedings necessary thereto.

Officer may be detailed to superintend works.

16. The Act passed in the 6th year of His Majesty's reign, Chaptered 41, is repealed.

3 Edw. VII., c. 41, repealed.

CHAPTER 50.

The Assessment Amendment Act, 1908.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

4 Edw. VII.,
c. 23, s. 5, par.
4, amended.

1. Paragraph 4 of section 5 of *The Assessment Act* is amended by adding at the end the following words:

Exemption of
hospitals, etc.

“Provided this paragraph shall not apply to any land of a public hospital when occupied by any person as tenant or lessee.”

4 Edw. VII.,
c. 23, s. 6,
amended.

2. Section 6 of *The Assessment Act* is amended by striking out the figure “4” in the last line and inserting in lieu the figure “5.”

4 Edw. VII., c.
23, s. 15,
amended.

3. Section 15 of *The Assessment Act* is amended by striking out the word “February” where it occurs in said section and substituting the word “March” therefor.

4 Edw. VII.,
c. 23, s. 5, par.
19, repealed.

4. Paragraph 19 of section 5 of *The Assessment Act* as enacted by section 1 of *The Assessment Amendment Act, 1906*, is amended by striking out the words “having a population of 5,000 or over” in the 5th and 6th lines and in the 16th and 17th lines of the said paragraph.

4 Edw. VII.,
c. 23, s. 29,
repealed.

5. Section 29 of *The Assessment Act* is hereby repealed and the following substituted therefor:

School census.

29.—(1) The assessors of every municipality shall enter in a book to be provided by the Clerk of the municipality in the form set forth in Schedule “C” to this Act, the name, age, and residence of every child between the ages of 8 and 14 years resident in the municipality, the name and residence of such child’s parent or guardian, with an indication as to whether such

such parent or guardian is a Public School or Separate School supporter, and shall return the said book to the Clerk of the municipality with the assessment roll for the use of the truant officer and others.

- (2) It shall be the duty of the Clerk of the municipality to send to the office of the Minister of Education as soon as he has received the said book, a statement showing the aggregate number of children between the ages of 8 and 14 entered by the assessors in the said book.

6. Schedule "C" of *The Assessment Act* is amended by adding thereto as the third column, a column headed "Public or Separate School supporter." 4 Edw. VII., c. 23, Sched. "C" amended.

7. Section 36 of *The Assessment Act* as amended by section 4 of *The Assessment Amendment Act, 1907*, is further amended by adding thereto the following subsection:— 4 Edw. VII., c. 23, sec. 36, amended.

- (5) Notwithstanding anything in this section contained, no income tax shall be payable to any municipality upon a mine or mineral work liable to taxation under section 6 of *The Supplementary Revenue Act, 1907*, in excess of one-half, in the case of the Town of Cobalt as at present constituted, and in excess of one-third, in the case of all other municipalities, of the tax payable in respect of annual profits from such mine or mineral work under the provisions of the said section and amendments thereto. Tax on income from mines.

8. *The Assessment Act* is amended by adding thereto the following section: 4 Edw. VII., c. 23, amended.

- 55a. Notwithstanding anything in *The Assessment Act* contained, the council of a township may pass a by-law for taking the assessment between the 30th day of September and the 30th day of April in the following year, and the assessment so made shall be adopted by the council of the last mentioned year. By-laws for taking assessment in townships between 30th September and 30th April.

9. *The Assessment Act* is amended by adding immediately after section 101 the following section: 4 Edw. VII., c. 23 amended.

REGISTRATION OF NOTICE.

- 101a. In case any person assessed, whether resident or non-resident, furnishes the Assessment Commissioner Notice of address to which tax bills to be sent.

missioner, or if none, the Clerk, with a notice in writing giving an address to which the notice of taxes may be transmitted to him, and requesting that the same be transmitted to such address by registered letter, the Commissioner or Clerk shall enter the words "to be registered" on the roll opposite the name of such person and the notice shall be so transmitted by the collector, who shall add to the taxes the cost of registration, to be paid by such person as part of his taxes; and any such notice so given to the Commissioner or Clerk shall stand until revoked in writing.

CHAPTER 51.

An Act respecting Municipal Securities.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Ontario Municipal Securities Act, 1908.* Short title.

2. In this Act "Board" shall mean The Ontario Railway and Municipal Board. Interpretation.
"Board."

3.—(1) The Council of any municipality which has heretofore passed or shall hereafter pass a by-law for contracting a debt or incurring a liability or for borrowing money under the provisions of *The Consolidated Municipal Act, 1903*, or for imposing a special assessment or a special rate under the local improvement sections of the said Act, or any person interested as the holder of a debenture issued under any such by-law may apply to the Board for a certificate approving the by-law. Application for approval of debenture by-law by Board.

(2) No certificate shall be granted while any action or proceeding in which the validity of the by-law is called in question, or by which it is sought to quash it, is pending, nor until thirty days after the final passing of the by-law, unless notice of the application shall be given in such manner and to such persons, if any, as the Board may direct. Certificate not to be granted while proceedings pending.

4. The Board may grant the certificate notwithstanding any irregularity in the proceedings prior to the final passing of the by-law or in the by-law itself, if in the opinion of the Board the provisions of the Act under the authority of which the by-law was assumed to be passed have been substantially complied with. Board may grant certificate upon proof of substantial compliance with law.

By-law and debentures not to be open to question after approval.

5. Every by-law approved by the Board and the debentures issued or which may thereafter be issued substantially in conformity with its provisions, shall be valid and binding upon the municipality and upon the property liable for the rate imposed by or under the authority of the by-law, and the validity of the by-law and of every such debenture shall not thereafter be open to question in any court.

Approval of debentures.

6. Where a by-law has been approved the Board may approve the debentures issued or which may thereafter be issued under the authority of the by-law, and every debenture so approved shall be valid and binding upon the municipality and upon the property liable for the rate imposed by or under the authority of the by-law and the validity of any debenture so approved shall not be open to question in any court.

Form of certificate.

7. The certificate may be in the following form :

"In pursuance of *The Ontario Municipal Securities Act, 1908*, the Ontario Railway and Municipal Board hereby certifies that the within by-law (or debenture) is valid and binding and that its validity is not open to be questioned in any court on any ground whatever.

Dated
(Seal.)

Chairman."

Payment of sinking fund into Provincial Treasury.

8.—(1) Where the council of a municipality proposes to pass a by-law for borrowing money by the issue of debentures and to create a sinking fund for the repayment thereof, the by-law may provide that the annual amount to be levied on account of the sinking fund shall be paid by the treasurer of the municipality to the Treasurer of the Province, and if such by-law does not provide for such payment the council may pass a by-law providing therefor.

Treasurer may allow interest on funds in his hands.

(2) Where a municipality avails itself of the right conferred by the next preceding subsection, the Treasurer of Ontario may receive from the treasurer of the municipality the annual amounts so levied on account of the sinking fund and allow and credit the municipality with interest thereon at the rate of four per cent. per annum, compounded yearly until the time when the debentures to which the sinking fund is applicable become payable and the sinking fund is required for their redemption.

Moneys so received to form part of Consolidated Revenue.

(3) All moneys received by the Treasurer of Ontario under the provisions of this section shall form part of the Consolidated Revenue Fund, and a statement of the amount at the credit of each municipality shall be set forth annually in the Public Accounts of Ontario.

(4) The Treasurer of Ontario may invest the amount at the credit of the municipality or any part thereof in the debentures of such municipality, to redeem which such sinking funds were paid to the Treasurer.

Sinking fund may be invested in the debentures to be redeemed.

9. Where a by-law has been passed under the authority of the next preceding section the amount payable in any year to the credit of the sinking fund which under the provisions of the by-law is to be paid to the Treasurer of Ontario shall be deemed a debt due to him, and in default of payment thereof he may sue therefor in his own name as for a debt due to the Crown in any court of competent jurisdiction.

Amount payable into sinking fund to be a debt to the Treasurer.

10. Every municipal corporation the council of which shall hereafter pass any by-law to which the provisions of section 389 of *The Consolidated Municipal Act, 1903*, are applicable shall within thirty days after the final passing of the by-law transmit a duly certified copy thereof to the Secretary of the Board.

Debenture by-laws to be sent to Secretary of Board.

11. Where by any by-law heretofore or hereafter passed provision is made for raising a sinking fund to meet the debentures to be issued under the authority of the by-law, the municipality in each year in which the sinking fund is required to be raised shall transmit to the Secretary of the Board a return showing whether the sinking fund for the year has been raised and how it has been applied or dealt with, and the state of the investment of any part of the sinking fund theretofore collected, which return shall be verified by the affidavit or statutory declaration of the head and the treasurer of the municipality.

Annual return as to sinking fund.

12. A municipality which does not comply with the provisions of the next two preceding sections, and the head and the clerk thereof in case of a violation of section 10 and the treasurer in case of a violation of section 11 shall be guilty of an offence, and for every offence each shall incur a penalty not exceeding \$100, to be recovered with costs on summary conviction under *The Ontario Summary Convictions Act*.

Penalty. Rev. Stat., c. 90.

13. A similar return to that required by section 427 of *The Consolidated Municipal Act, 1903*, to be made to the Lieutenant-Governor shall also be made to the Board at the time, in the manner and subject to the penalty mentioned in that section.

Annual return as to municipal indebtedness.

CHAPTER 52.

An Act to amend The Municipal Drainage Act.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.
c. 226, s. 74
amended.

Repairing
without report.

1. Section 74 of *The Municipal Drainage Act* is amended by striking out the figures “\$400” in the eleventh line of said section 74, and inserting in lieu thereof the figures “\$800.”

Rev. Stat.,
c. 226, s. 9,
amended.

2. Section 9 of *The Municipal Drainage Act* is amended by inserting therein the following subsection:—

Maintenance
of bridges.

(2a) Every bridge constructed as part of the drainage work for the purpose of affording access from the lands of owners to the travelled portion of any public highway may, for the purpose of maintaining the same, be deemed to be part of the drainage work, and the maintenance thereof may include any enlargement from time to time rendered necessary by the drainage work.

Rev. Stat.,
c. 226, s. 81,
subs. 1,
amended.

3. Subsection 1 of section 81 of *The Municipal Drainage Act* is amended by adding at the end thereof the words:—

Provided that in the case of the Island of Pelee Commissioners appointed for the purposes aforesaid by the Council of the Township of Pelee need not be chosen from those persons whose lands are assessed for the construction of the drainage work.

CHAPTER 53.

An Act to amend The Act to Regulate the Speed and Operation of Motor Vehicles on Highways.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Act to Regulate the Speed and Operation of Motor Vehicles on Highways* is amended by adding thereto the following section:—

6 Edw. VII.,
c. 46, amended

2a.—(1) No person shall for hire, pay or gain drive a motor vehicle on a public street or highway unless he is licensed so to do, and no person shall employ anyone so to drive a motor vehicle who is not so licensed.

Paid drivers to
be licensed.

(2) The license for such purpose may be issued by the Department of the Provincial Secretary to such person for such time and upon such terms and subject to such regulations and restrictions as the Lieutenant-Governor in Council may fix and determine.

2. The said Act is amended by adding the following section:—

6 Edw. VII.,
c. 46, amended

8a. No person under the age of seventeen years shall drive a motor vehicle on a public street or highway.

Age of driver.

3. Section 10 of the said Act is amended by striking out all the words after the word "safety" in the 15th line, and substituting therefor the following "and if any such horse or horses going in the opposite direction appear frightened, or if signalled so to do, he shall stop such motor vehicle, including the motor and shall remain stationary so long as may be necessary to allow such rider or driver to pass or until directed by such rider or driver to proceed; and in case any animal ridden or driven by such rider or driver appears to be frightened the operator of such motor vehicle and any occupants of the same shall render assistance

6 Edw. VII.,
c. 46, s. 10,
amended.

to

to such rider or driver in control of such animal or animals.

6 Edw. VII.,
c. 46, amended.

4. The said Act is amended by adding thereto the following section:—

Driver of
motor vehicle
to stop on
meeting
funeral proces-
sion.

10a. The driver of a motor vehicle upon any public street or highway outside the limits of a city shall upon meeting or overtaking a funeral procession stop his motor vehicle and where practicable shall turn out into any intersecting street, road or lane until the funeral procession has passed.

6 Edw. VII.,
c. 46, s. 11
amended.

5. Section 11 of the said Act is amended by striking out the words “upon request give in writing to anyone demanding the same” in the 6th and 7th lines, and substituting therefor the words “give in writing to anyone sustaining loss or injury.”

6 Edw. VII.,
c. 46, s. 16
amended.

6. Section 16 of the said Act is amended by adding after the word “permit” in the 2nd line the words “or license.”

6 Edw. VII.,
c. 46, s. 18,
amended.

7. Section 18 of the said Act is amended by striking out the words “by a motor vehicle” in the 2nd line, and substituting therefor the words “by reason of a motor vehicle on a highway” and by inserting the word “motor” after the word “such” in the last line.

CHAPTER 54.

An Act to amend The Liquor License Act.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 54 of *The Liquor License Act* as enacted by section 13 of the Act passed in the 6th year of His Majesty's reign, Chaptered 47, is amended by striking out the words "or by a Justice of the Peace" in the tenth and eleventh lines of the said section.

Rev. Stat.,
c. 245, s. 54,
amended.
Certificate for
obtaining
liquor on
Sunday.

2. Section 55 of *The Liquor License Act* as enacted by the said section 13 is amended by striking out the words "or by a Justice of the Peace" in the sixth and seventh lines of the said section.

Rev. Stat.,
c. 245, s. 55,
amended.
Certificate for
obtaining
liquor at other
prohibited
times.

3. Section 82 of *The Liquor License Act* is amended by adding after the word "aforesaid" in the ninth line the following, "upon a first conviction be liable to a fine of not less than \$50 and not more than \$100 and costs, and in default of payment to imprisonment for one month, and shall upon a second conviction under this section."

Rev. Stat., c.
245, s. 82,
amended.

4. Section 91 of *The Liquor License Act* is amended by adding after the word "days" in the twelfth line the words "or that any licensee has been guilty of a second offence under section 82 of this Act."

Rev. Stat., c.
245, s. 91,
amended.

5.—(1) Subsection 1 of section 9 of the Act passed in the sixth year of His Majesty's reign, Chaptered 47, is amended by striking out all the words after the word "by" in the fourth line and substituting therefor the following: "the last assessment roll of said Municipality as finally revised prior to the first day of April of the year in which it is necessary to determine the said population."

6 Edw. VII. c.
47, s. 9, subs. 1,
amended.

6 Edw. VII., c.
47, s. 9, subs. 2,
amended.

(2) Subsection 2 of section 9 of the Act mentioned in the preceding subsection is amended by striking out the words "taking of such enumeration" in the second line and substituting therefor the words "final revision of the assessment roll in the preceding subsection mentioned."

Rev. Stat., c.
245, s. 112, subs.
3, amended.

6. Subsection 3 of section 112 of *The Liquor License Act*, as amended by section 5 of the Act passed in the 7th year of His Majesty's reign, Chaptered 46, is further amended by striking out the words "hereinbefore mentioned" in the second line of said section 5 and substituting therefor the following, "or other person having control of said premises whether in or out of possession."

Rev. Stat.
c. 245, s. 125,
subs. 3,
repealed.

7. Subsection 3 of section 125 of *The Liquor License Act* as amended by the Act passed in the 6th year of His Majesty's reign, Chaptered 47, is repealed and the following substituted therefor:—

Notice to
inebriate

(3) The Inspector or other person giving notice under subsection 1 of this section shall forthwith give notice to the person having such habit in the form or to the effect following:—

Notice given under section 125 of *The Liquor License Act*.

To E.F. (*insert name of the person having habit of drinking to excess*).

I (*name of person giving notice*), License Inspector (*or other occupation*), of the _____ of _____, in the County of _____, hereby notify you that I have this day given notice to the license holders of the license district of _____ in the County of _____ (*or to any particular license holder or other person, naming him*) not to deliver liquor to you, you having the habit of drinking liquor to excess.

Take notice that should you directly or indirectly purchase or procure, or attempt to purchase or procure liquor from or upon the premises of any such license holder (*or from or upon the premises of the said _____, naming the person notified*), or from or upon the premises of any other person, or be found with liquor in your possession or under the influence of liquor, or lingering or loitering in any place where liquor is sold within twelve months after the service of this notice upon you, you will incur the penalties provided by section 125 of *The Liquor License Act*.

Rev. Stat.
c. 245, s. 125,
subs. 7,
repealed.

8. Subsection 7 of the said section 125 is repealed and the following substituted therefor:—

Inebriate
procuring
liquor after
notice,

(7) If a person served with the notice mentioned in subsection 3 by himself or by any other person shall within twelve months after service of such notice purchase or procure or attempt to purchase or procure liquor or be found with liquor in his possession or under the influence of liquor or lingering or loitering in any place where liquor is sold or dispensed he shall incur a penalty

altv of not less than \$10 nor more than \$20, and costs and shall upon conviction be liable to imprisonment for a period not exceeding one month.

9. *The Liquor License Act* is amended by inserting therein the following as section 125a: Rev. Stat.,
c. 245,
amended.

125a. Every person with respect to whom an order has been made by a Police Magistrate or Justice of the Peace under subsection 1 of section 124, or who has been served with a notice under subsection 3 of section 125, may upon any prosecution under this Act be compelled to divulge the name of any person from whom he has obtained liquor during the period for which such order or notice was in force, and the place where, and the date when the liquor was supplied to him, and if such information is within his knowledge and he wilfully refuses to disclose the same, he shall be guilty of an offence and may on the order of the Magistrate or Justice before whom the prosecution is brought be forthwith imprisoned for any period not exceeding three months, unless he sooner discloses such information and pays the costs of his committal.

Inebriate after notice to Inspector, etc., compellable to disclose name of person supplying liquor.

10. Section 141 of *The Liquor License Act* is amended by adding thereto the following subsection:— Rev. Stat.,
c. 245, s. 141,
amended.

(8) The form of the ballot paper to be used for voting on a by-law under this section or any subsection thereof shall be as follows:— Form of local
option ballot.

19
Voting on By-law to (insert here
object of the By-law) submitted
to the council of the

For Local Option.

Against Local Option.

11. *The Liquor License Act* is amended by inserting therein the following section:— Rev. Stat.,
c. 245,
amended.

Where local
option by-law
set aside, etc.,
on technical
grounds.

143a. Where a by-law submitted to the electors under the provisions of subsection 1 of section 141 of this Act is declared by the Clerk or other Returning Officer, to have received the assent of three-fifths of the electors voting thereon and is after such declaration quashed or set aside, or held to be invalid or illegal, or where such by-law after having been declared not to have received the assent of three-fifths of the electors, is held upon a scrutiny to have received such assent and is subsequently quashed or held to be invalid or illegal no tavern or shop license shall be issued in the municipality in which the by-law was submitted after the date of such submission and until the first day of May in the year in which a repealing by-law might have been submitted to the electors had the first mentioned by-law been declared valid, without the written consent of the Minister first had and obtained. This section shall be held to apply to all by-laws submitted to the electors since the 31st day of December, 1906.

Rev. Stat.,
c. 245,
amended.

12. *The Liquor License Act* is amended by inserting the following as section 157:

Action not to
lie to recover
price of liquor
drunk in
tavern.

157. No action shall be brought in any Court by the holder of a tavern license to recover the price or value of liquor drunk in any inn, tavern, ale or beer house or other house of public entertainment in which liquor is sold.

6 Edw. VII., c.
47, s. 12, subs. 4,
amended.

13. Subsection 4 of section 12 of the Act passed in the 6th year of His Majesty's reign, Chaptered 47, is amended by adding thereto the following words "and the same shall be final unless the Treasurer shall otherwise direct."

CHAPTER 55.

The Milk, Cheese and Butter Act.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

STANDARD OF MILK IN CREAMERIES.

1. This Act may be cited as *The Milk, Cheese and Butter Act*. Short title.

2 All milk containing less than thirteen per cent. of total solids, of which three and three-quarters per cent. must be chemically dry butter-fat, shall be deemed below the standard required in creameries for butter manufacture. Standard for milk for manufacture of butter in creameries. R.S.O. 1897 c. 251, s. 1.

3. The owners or board of management of any creamery in the Province of Ontario, may make such rules and regulations as may be advisable for the due carrying on of the business of the creamery. Power to make rules. R.S.O. 1897, c. 251, s. 2.

4. The patrons of all creameries may be required to subscribe their names to such rules and regulations, and the rules and regulations shall be binding on the patrons, owners and board of management who have so subscribed. Rules to be binding on patrons, etc. R.S.O. 1897, c. 251, s. 3.

PREVENTION OF FRAUDS.

5. It shall be lawful for the owner or manager of a cheese or butter manufactory to require the owner or custodian of any cow or cows whose milk is being bought for, or supplied or sent to, the manufactory, to submit such cow or cows at his farm or other premises where such cows are usually kept, to such milk test, by persons named by such owner or manager, as may be necessary for the said persons to ascertain the quantity and quality of the milk of a Right to test milk.

Interfering
with test.

of such cow or cows, on any day, and at such time on any such day as may be appointed by said owner or manager, and in case the owner or custodian of the cows refuses to so submit them, or obstructs in the execution thereof the persons engaged in making the milk test, or interrupts the test, or interferes in any way with the test, or the application of its result, he shall, on complaint before any Justice or Justices of the Peace, forfeit and pay for every such offence a sum of not less than \$10 nor more than \$100, in the discretion of the Justice or Justices of the Peace who may hear such complaint, together with the costs of the prosecution, if so ordered, and in default of payment of the penalty and costs, shall be liable to be committed by the convicting Justice or Justices of the Peace, to the common gaol of the county, with hard labour for any period not exceeding six months or until said penalty and the costs of enforcing same are sooner paid. R.S.O. 1897, c. 251, s. 4.

Right to take
samples of
milk.

6. It shall be lawful for the owner or manager of any cheese or butter manufactory who suspects any person of selling, supplying, sending or bringing milk to the manufactory, of any offence under this Act, to enter upon or to appoint some person or persons to enter upon, and such appointed person may enter upon the premises of the suspected person, with or without notice, and take samples of milk from the cow or cows from which the supposed offender was or had been immediately before then procuring the milk or part of the milk so sold, supplied, sent or brought as aforesaid; and any such suspected person who obstructs or refuses to permit the taking of any such sample shall, on conviction thereof, be liable to a penalty of not less than \$10 nor more than \$50 with costs of the prosecution, and in default of payment thereof, shall be liable to be imprisoned in the common gaol of the county in which the offence has been committed for a period not exceeding three months with hard labour. R.S.O. 1897, c. 251, s. 5.

Interfering
with taking of
samples.

Notice to be
given when
milk diluted,
etc.

7. No person shall sell or offer for sale in any city, town or incorporated village, and no person shall sell or supply under contract to any person in any city, town or incorporated village, and no person shall sell, supply, bring or send to a cheese or butter manufactory, or the owner or manager thereof, milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as "skimmed milk," or milk in which any preservative is contained, without distinctly notifying, in writing, the owner or manager of such cheese or butter manufactory, or the person or persons to whom it is sold in cities, towns, or incorporated villages, that the milk so sold, supplied or brought to be manufactured

tured or otherwise disposed of, has been so diluted with water, or adulterated, or had the cream so taken from it, or become milk commonly known as "skimmed milk," or has had a preservative added to it, as the case may be. R.S.O. 1897, c. 251, s. 6, *amended*.

8. No person who, in the course of his business agrees to sell, supply, bring or send to any cheese or butter manufactory, or the owner or manager thereof, to be manufactured, the milk of any cow or cows, shall in the course of such dealing and business, keep back any part of the milk of such cow or cows without distinctly notifying, in writing, the owner or manager of such cheese or butter manufactory what portion of the milk he has so kept back. R.S.O. 1897, c. 251, s. 7.

Notice to be given when any part of milk is kept back.

9. Notwithstanding anything contained in this Act, no person shall be subject to any penalties under this Act for selling in any city, town or incorporated village milk from which any of the butter fat or cream has been removed, provided the milk so sold or offered for sale is advertised as "skimmed milk" and the person to whom the milk is sold is informed that the same is "skimmed milk." (*New*.)

Selling milk as "skimmed milk."

10. No person shall sell, supply, bring or send to a cheese or butter manufactory, or owner or manager thereof, to be manufactured, any milk that is tainted or partly sour without distinctly notifying, in writing, the owner or manager of such cheese or butter manufactory of such milk being tainted or partly sour. R.S.O. 1897, c. 251, s. 8.

Notice to be given when milk tainted.

11. No person supplying milk or cream to a cheese factory or creamery, or for sale in cities, towns or incorporated villages, shall keep his dairy, milk house, milk stand, or any vessels or equipment used for the storing or the carrying of milk or cream, in an unclean or unsanitary condition. 6 Edw. VII. c. 48, s. 1, *amended*.

Milk, etc., supplied to cheese factory or dairy not to be kept in unclean or unsanitary condition.

12.—(1) Every cheese factory and creamery manufacturing butter or cheese for public use or sale, and the premises upon which milk or cream is offered for sale and the surroundings of every such cheese factory and creamery and premises shall be kept in a clean and sanitary condition, and all the water used therein for the manufacture of any dairy products must be clean and pure.

Cheese factories to be kept clean.

(2) The owner or manager of any cheese factory or creamery or premises upon which milk or cream is offered for sale refusing or neglecting to observe the provisions of this section after being warned or advised by a dairy inspector, shall, upon conviction thereof before any Justice

Penalty.

tice

tice or Justices of the Peace, forfeit and pay a sum of not less than \$50 nor more than \$200, together with the costs of prosecution, and in default of payment of such penalty and costs shall be liable to be committed to the common gaol of the county with hard labor for a period not exceeding six months. 6 Edw. VII., c. 48, ss. 2 and 3 *amended*.

Appointment
of inspectors.

13. Upon the recommendation of the Minister of Agriculture, the Lieutenant-Governor in Council may appoint one or more persons as inspectors for the enforcing of the provisions of this Act, who shall be known as Dairy Inspectors. The Lieutenant-Governor in Council may determine the remuneration to be paid to such inspectors. 6 Edw. VII., c. 48, s. 4.

Powers of
inspectors.

14. All dairy inspectors appointed under this Act shall have free access and admission to all cheese factories and creameries and the premises upon which milk or cream is offered for sale located within the Province and to all the lands adjoining the same, and to the premises of all persons supplying milk or cream to any cheese factory or creamery, or for sale in cities, towns or incorporated villages; they shall also be empowered to take and test samples of milk found in cheese factories or creameries or in the possession of milk dealers having the same for sale in cities, towns or incorporated villages, or in transit between producers and cheese factories and creameries, between producers and dealers or between dealers and consumers in cities, towns or incorporated villages; and they shall have the right to take and test samples of milk found upon the premises of producers supplying milk to cheese factories or creameries or for sale in cities, towns or incorporated villages, and may take and test samples from cows which have been producing milk to be sold to cheese factories or creameries or to be delivered for sale in cities, towns or incorporated villages, and any person refusing admission to the same or offering obstruction to the work of inspection or the taking of samples or testing of same shall be subject to the penalties provided in section 16. 6 Edw. VII., c. 48, s. 5, *amended*.

Report of
inspector.

15. Every inspector appointed under this Act shall make such reports and in such form as the Minister may direct. 6 Edw. VII., c. 48, s. 6.

Penalty for
violations of
ss. 7, 8, 10, 14.

16.—(1) Any person who, by himself, or by his servant or agent, violates any of the provisions of sections 7, 8, 10 or 14 of this Act, upon conviction thereof before any Justice or Justices of the Peace, shall forfeit and pay a sum of not less than \$5 nor more than \$50, together with the costs of prosecution, in the discretion of the Justice or Justices.
and

and in default of payment of such penalty and costs, shall be liable to be committed to the common gaol of the county, with hard labour, for any period not exceeding six months, unless the said penalty and the costs of enforcing same are sooner paid.

(2) For the purpose of establishing the guilt of any person under the said sections, 7 or 8 of this Act, it shall be sufficient *prima facie* evidence to show that such person, by himself, his servant, or agent, sold, supplied, sent or brought, to be manufactured, to any cheese or butter manufactory, milk substantially below the standard of that actually drawn, or by the accused represented as having been drawn from the same cow or cows within the then previous or subsequent two weeks, provided the comparison or test is made by means of a lactometer and Babcock Tester, or by some other adequate means of making the comparison.

Evidence for violations of ss. 7-8.

(3) The said sections, 7, 8 and 10, shall not apply where the person charged with the offence proves to the satisfaction of the Justice or Justices of the Peace that the alleged offence was committed by some person or persons other than a member of the family of the person charged with the offence or was committed by some person or persons other than his servant or agent, and also that the offence was committed without his knowledge and consent.—*New*.

Sees. 7, 8 and 10 not to apply where defendant shows want of knowledge.

(4) In any complaint made or laid under said sections, 7, 8, 10 or 14 of this Act, and in any conviction thereon, the milk complained of may be described as deteriorated milk, without specification of the cause or mode of deterioration, and such description shall be a sufficient description of the offence to sustain a conviction, and in any complaint, information or conviction under this Act the matter complained of may be declared, and shall be held to have arisen within the meaning of *The Ontario Summary Convictions Act*, at the place where the milk complained of was to be manufactured, notwithstanding that the deterioration thereof was effected elsewhere. R.S.O., 1897, c. 251, s. 9, *amended*.

Description of offence in information or complaint.

Rev. Stat. c. 90.

17. Any pecuniary penalty imposed by the preceding section in respect of selling, supplying or bringing milk to a cheese or butter manufactory, shall, when recovered, shall, when recovered, be payable one-half to the informant, and the other one-half to the owner, treasurer or president of the manufactory to which the milk was sent, sold or supplied for any of the purposes aforesaid in violation of any of the provisions of this Act, to be distributed among the patrons thereof in proportion to their respective interests in and profits thereof. R.S.O., 1897, c. 251, s. 10.

Appropriation of penalties.

Fraudulent
use of cream
of milk
supplied.

Penalty.

Conviction
and levy of
penalty.

In default of
distress im-
prisonment.

Civil remedy.

Proviso as to
Justices
interested.

Rev. Stat.
c. 251 repealed.

18.—(1) Any butter or cheese manufacturer who knowingly and fraudulently uses, or directs any of his employees to use for his or their individual benefit, any cream from the milk brought to any cheese or butter manufactory, without the consent of all the owners thereof, shall, for every offence, forfeit and pay a sum not less than \$1 nor more than \$50, in the discretion of the Justices before whom the case is heard.

(2) Any two or more Justices of the Peace, having jurisdiction within the locality where the offence has been committed, may hear and determine such complaint upon the oath of one or more credible witnesses, and shall have power, in case the penalty and costs awarded by them are not forthwith paid upon conviction, to levy the same by distress and sale of the goods and chattels of the offender, by warrant under their hands and seals or the hands and seals of any two of them, and the penalty, when recovered, shall be paid over by such Justices, one-half to the person complaining, and one-half to the treasurer of the municipality, district or place where the offence has been committed; and in default of payment or sufficient distress, the offender may, by warrant signed and sealed as aforesaid, be imprisoned in the common gaol for a period not less than one day nor more than twenty-five days, at the discretion of such Justices, or any two of them, unless such penalty, costs and the charges of commitment are sooner paid.

(3) Any party aggrieved by such fraudulent conduct as aforesaid may at his election sue the offender in any Civil Court of competent jurisdiction, and recover from him the amount of damages sustained, and levy the same with the costs according to the ordinary practice of the Court in which such action is brought. R.S.O., 1897, c. 251, s. 11.

19. No Justice or Justices having any pecuniary interest in a cheese or butter manufactory as aforesaid, shall hear or determine any complaint under this Act. R.S.O., 1897, c. 251, s. 12.

20. Chapter 251 of the Revised Statutes of Ontario, 1897 and amendments thereto are repealed.

CHAPTER 56.

An Act respecting the Manufacture and Sale of Bread.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) No person shall make bread for sale, or offer bread for sale outside of the municipality wherein the same was made, other than fancy bread, except in loaves weighing either one and one-half pounds or three pounds avoirdupois. Standard weight of loaf.

(2) Loaves of such weight shall be known as standard bread. "Standard bread."

(3) Any person using a label in connection with the sale of standard bread shall affix or attach such label to the bottom of each loaf before the baking of the same, and such label shall shew the name of the maker of the loaf, its weight, and that the bread is standard bread. Label.

2. Fancy bread shall mean any bread which in addition to any ingredient in the flour contains either an extra two per cent. or more of sugar with an extra two per cent. or more of shortening, or an extra two per cent. or more of the solids of milk, the percentage being in proportion to the weight of flour used therein. Fancy bread.

3. No person shall make fancy bread for sale, or offer fancy bread for sale outside of the municipality wherein the same was made, except in loaves weighing either sixteen ounces or twenty ounces avoirdupois each, and every person making fancy bread for sale shall affix or attach to the bottom of each loaf before or during the baking of the same a label showing the name of the maker, the weight of the loaf, and that the bread is fancy bread. Weight of fancy bread, labels showing weight to be attached.

4. Everyone who makes bread for sale shall keep in a conspicuous and convenient place in the building or other working premises scales and weights suitable for weighing bread, and shall weigh the bread offered for sale by him at the request of any person desiring to purchase such bread, and shall, when requested, permit such scales to be used by the Inspector or Inspectors appointed as hereinafter provided. Makers of bread to keep scales.

Adulteration.

5. No person making bread for sale shall use any adulterant or deleterious material therein, nor shall any person sell or offer for sale any bread containing any such adulterant or deleterious material.

Appointment of Inspector.

6. The council of any municipality may appoint an Inspector or Inspectors who shall have power to enter any building or other premises where bread is made, and there to weigh the bread, and to inspect or test the bread for the purpose of discovering whether any adulterant or deleterious material has been used in the making thereof, and to seize or remove any bread which is lighter than the proper weight thereof as aforesaid, or which contains any adulterant or deleterious material, and to dispose of any bread so seized or removed as the said council may from time to time direct; provided that any bread made for sale which is sent outside of the municipality wherein the same was made may, wherever offered for sale, be weighed, inspected, tested and seized as hereinbefore provided by any officer of the municipality to whom the duty of inspection may be assigned.

Average weight of 10 loaves.

7. Notwithstanding that any loaf weighing less than the proper weight thereof as aforesaid shall be subject to seizure, the person making the same shall not be liable to any other penalty under this Act for short weight, unless any ten loaves made by him which the Inspector may select when weighed together shall fall below the aggregate of the full weight required by this Act.

Certificate of analyst to be admitted without proof.

8. The certificate of the Secretary or of the Analyst or the Assistant Analyst of the Provincial Board of Health, given in writing, shall be *prima facie* evidence of the ingredients and quantities thereof contained in any bread submitted to the Provincial Board of Health for analysis, and shall be receivable in evidence without proof of the signature or of the official character of the Secretary or the Analyst or Assistant Analyst of the Provincial Board of Health appearing to have signed the same and without further proof thereof in all legal proceedings under this Act.

Penalty for breach of Act.

9.—(1) Any person who contravenes any of the provisions of this Act shall incur a penalty not exceeding \$5 besides costs, which shall include any expenses incurred in procuring an analysis, and shall on conviction be liable to imprisonment for a period not exceeding thirty days, unless such penalty and costs are sooner paid.

Rev. Stat., c 90, application of.

(2) *The Ontario Summary Convictions Act* shall apply to prosecutions under this Act.

Commencement of Act.

10. This Act shall come into force on the first day of July, 1908.

CHAPTER 57.

An Act to amend The Factories Act.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 2 of *The Factories Act* is amended by inserting the following subsection: Rev. Stat. c. 256
s. 2 amended.

“Youth” shall mean a male of the age of fourteen and “Youth,”
under the age of sixteen years. meaning of.

2. Sections, 9, 11, 12, 13, 25, 26, 30, 33, 44 and 50, and Schedules B to I to the said Act are amended by inserting the word “youth” or “youths” (as the case may be) after the word “child” or “children” wherever the same occur in said sections. Rev. Stat. c.
256, ss. 9, 11—13,
25, 26, 30, 44 and
50 and Scheds.
amended.

3. Section 5 of the said Act is amended Rev. Stat. c. 256,
s. 5 amended.

(1) by striking out the words “under fourteen” in the first line and inserting in lieu thereof the words “between the ages of twelve and fourteen years, and, when employed solely out of doors, children of under twelve,” and Employment
in canning
factories.

(2) by inserting after the word “may” in the first line of the said section the words “notwithstanding anything contained in this Act,” and

(3) By adding to the said section the following subsection:—

(a) The hours of working for children between 12 and 14 years of age in canning factories under this section are limited to the time between seven o'clock in the morning and six-thirty o'clock in the evening, or such other period of the day as may be granted by the Factory Inspector; provided, however, that the time worked in any one day shall not exceed ten hours.

CHAPTER

CHAPTER 58.

An Act to amend The Shops Regulation Act.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Age at which
children may
be employed.

Rev. Stat.,
c. 257, s. 6,
amended.

Rev. Stat.,
c. 296.

1. Section 6 of *The Shops Regulation Act* is amended by striking out the word "ten" in the first line of the said section, and substituting therefor the word "twelve," and by adding thereto the following words "and no child shall be employed in any shop during the hours of holding school unless the said child shall have furnished to the employer a certificate issued in accordance with the provisions of *The Truancy Act* permitting the absence of the said child from school, which certificate must be kept on file by the employer and produced, whenever called for, for examination by the Inspector."

CHAPTER 59.

An Act for the Protection and Reformation of
Neglected Children.*Assented to 14th April, 1908.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

DEFINITIONS.

1. This Act may be cited as *The Children's Protection Act of Ontario*. Short Title.

2.—(1) In this Act,

Interpretation.

- (a) "Child" shall mean a boy or a girl actually or apparently under sixteen years of age.
- (b) "Children's Aid Society" shall mean a society having among its objects the protection of children from cruelty and the care and control of neglected children which has been approved by the Lieutenant-Governor in Council for the purposes of this Act; and in a county or district in which there is no Children's Aid Society, shall mean the Superintendent. R.S.O. 1897, c. 259, s. 2 (1) (a), *amended*. "Children's Aid Society."
- (c) "Court of summary jurisdiction" shall mean and include a Police Magistrate, a Justice of the Peace appointed as a Commissioner under this Act, or two Justices. R.S.O. 1897, c. 259, s. 2 (1), (b). "Court of summary jurisdiction."
- (d) "Foster Home" shall mean a home in which a neglected child may be placed as a member of the family. "Foster Home."
- (e) "Inspector" shall mean the Inspector of Prisons and Public Charities. R.S.O. 1897, s. 259, s. 2 (1) (c). "Inspector."

(f)

- "Judge." (f) "Judge" shall mean a Judge or a retired Judge of the High Court or of the County or District Court, or a Police Magistrate, or a Justice of the Peace appointed as a Commissioner for the trial of juvenile offenders, or two Justices. R.S.O. 1897, c. 259, s. 2 (1), (d).
- "Minister." (g) "Minister" shall mean the Provincial Secretary or such other member of the Executive Council as may be entrusted by the Lieutenant-Governor with the administration of this Act. R.S.O. 1897, c. 259, s. 2 (1) (e).
- "Municipality." (h) "Municipality" shall mean a county or a city or town separated from a county, or a Provisional Judicial District. R.S.O. 1897, c. 259, s. 2 (1) (f), *amended*.
- "Neglected Child." (i) "Neglected Child" shall mean a child who is found begging, receiving alms, thieving in a public place, sleeping at night in the open air, wandering about at late hours, associating or dwelling with a thief, drunkard or vagrant, or a child who by reason of the neglect, drunkenness or other vice of its parents is growing up without salutary parental control and education, or in circumstances exposing such child to an idle and dissolute life; or who is found in a house of ill-fame, or known to associate with or be in the company of a reputed prostitute; or who is a habitual vagrant; or an orphan and destitute or who is deserted by its parents; or whose only parent is undergoing imprisonment for crime; or who by reason of ill-treatment, continual personal injury or grave misconduct or habitual intemperance of its parents or either of them is in peril of loss of life, health or morality; or in respect to whom its parents or only parent have or has been convicted of an offence against this Act or under the Criminal Code; or whose home, by reason of neglect, cruelty or depravity, is an unfit place for such child, and "Neglected Children" shall mean two or more of such children. R.S.O. c. 259, ss. 7 and 27.
- "Parent." (j) "Parent" shall include a guardian and every person who is by law liable to maintain a child. R.S.O. 1897, c. 259, s. 2 (1) (g).
- "Place of safety." (k) "Place of safety" shall include an industrial school or house of industry for boys or girls, or a shelter or temporary home established by a Children's Aid Society, or an institution sub-
ject

ject to the inspection of the Inspector, or a charitable society authorized to exercise the powers conferred by *The Act respecting Apprentices and Minors*, but not a gaol, prison, police station or lock-up. R.S.O. 1897, c. 259, s. 2 (1) (h).

- (l) "Public Place" shall mean a street, highway, or lane whether a thoroughfare or not, and a tavern or other place of public resort, and, generally any place to which the public have or are permitted to have access. R.S.O. c. 259, s. 2 (1) (i).
- (m) "Superintendent" shall mean the Superintendent of Neglected and Dependent Children. R.S.O. 1897, c. 259, s. 2 (1) (j).

3. A Judge or a retired Judge of the High Court or of a County or District Court shall have jurisdiction under this Act in any part of Ontario. A Police Magistrate, or a Justice of the Peace appointed as aforesaid, or two Justices shall have jurisdiction in the county or other locality for which they hold office. R.S.O. 1897, c. 259, s. 2 (2), *amended*.

SUPERINTENDENT OF NEGLECTED CHILDREN.

4. The Lieutenant-Governor in Council may appoint an officer to be known as the Superintendent of Neglected and Dependent Children, whose salary shall be paid out of such moneys as may be appropriated for that purpose by the Legislature; and it shall be his duty,

- (a) To encourage and assist in the establishment of Children's Aid Societies;
- (b) To advise such societies and instruct them as to the manner in which their duties are to be performed;
- (c) To see that a record is kept by such Societies of all committals, and of all children placed in foster homes under this Act and of such other particulars as may be deemed desirable;
- (d) To direct and supervise the visiting of any place where a child is placed pursuant to the provisions of this Act;
- (e) To visit and inspect Industrial Schools and Shelters as may be directed by Departmental regulations;
- (f) To prepare and submit an annual report to the Minister;

(g)

(g) To perform such other duties as may be prescribed by the Lieutenant-Governor in Council.
R.S.O. 1897, c. 259, s. 3, *part*.

Powers of
superinten-
dent.

5. The Superintendent shall have and may exercise all the powers conferred upon a Children's Aid Society, and shall have power to appoint such person or persons or committee as he may see fit to act for him, as occasion may require. R.S.O. 1897, c. 259, s. 3 (a), *part*.

CHILDREN'S SHELTER.

Children's
shelters.

6.—(1) For the better protection of neglected children, the corporation of every city or town having a population of 10,000 or over shall provide one or more places of refuge for such children only, to be known as temporary homes or shelters. Such homes shall be entirely distinct and separate from any penal or pauper institution, and no pauper or convict shall be permitted to live or work therein, and they shall not be used as a permanent residence for any child, but for its temporary protection for so long a time only as shall be absolutely necessary for placing the child in a foster home, not exceeding three months unless authorized by the Superintendent. R.S.O. 1897, c. 259, s. 4 (1).

Orphan and
children's
homes.

(2) An orphan or children's home may, with the consent of the trustees or governing body thereof, be used as a temporary home or shelter under this section; and when desirable for economical reasons, not inconsistent with the welfare of the children to be provided for, such temporary home or shelter may be established in a private family; but in no case shall such home or shelter be under the same care or management as a penal or pauper institution. R.S.O. 1897, c. 259, s. 4 (2).

Supervision of
shelters by
Children's Aid
Society.

(3) When a Children's Aid Society has been established it shall have the supervision and management of children in the temporary home or shelter provided by or at the expense of the municipality; but this provision shall not apply to an orphan asylum or other children's home mentioned in subsection 2 without the consent of the trustees or governing body thereof. R.S.O. 1897, c. 259, s. 4 (3).

Dissolution of
societies.

(4) If a society or committee established under this Act ceases to exist or does not hold a meeting for a period of six months the secretary or other officer shall deliver to the Superintendent all books, documents, records, financial statements and pay over to him all trust funds on hand, and the society or committee shall thereupon be dissolved and its property shall be vested in the Minister, and the Superintendent shall then reorganize the work, or make such arrangements for carrying it on as the Minister may approve.

COUNTY COMMITTEES.

7.—(1) In any electoral district, town or village, there may be established by the Children's Aid Society of the county or by the Superintendent a committee consisting of not less than six persons, at least half of whom shall be women, to be known as the "Children's Committee." The committee and the individual members thereof, shall co-operate with the Superintendent and with the Children's Aid Societies.

Children's
Committees.

(2) The committee, or any member thereof, shall have and may exercise the powers conferred by sections 9 and 10, under the direction of the society, and may adopt such methods as they may think best for securing voluntary subscriptions to be devoted to carrying out the objects of this Act.

Powers of
Committee.

(3) The committee shall report to the Children's Aid Society of their county with reference to neglected children, so that the society may at all times have accurate knowledge regarding the care, oversight, education and general welfare of such children. R.S.O. 1897, c. 259, s. 5, subsecs. 1, 3 and 4.

Report of
Committee.

MAINTENANCE OF CHILDREN.

8.—(1) A Judge may, upon the application of any society to whose custody or control a child is committed, make an order for the payment, by the municipality to which the child belongs, of a reasonable sum, not being less than \$1 weekly, for the expense of supporting the child by the society, or in a temporary home, or in a foster home where children are not cared for without compensation.

Order for
Maintenance
by municipal-
ity.

(2) For the purposes of this section a child shall be deemed to belong to the municipality in which it has last resided for the period of one year; but in the absence of evidence to the contrary, residence for one year in the municipality in which the child was taken into custody, shall be presumed.

Presumptive
residence of
child.

(3) A municipality which has made a payment under the provisions of this section for the maintenance of a child in respect to whom some other municipality is liable, shall be entitled to recover the amount so paid from such other municipality.

Recovery from
other municipi-
ties.

(4) A municipality which has made a payment under the provisions of this section may recover the amount of the same from the parent of the child.

Recovery from
parent.

(5) At any time after the committal of a child the municipality or the Children's Aid Society may apply to the Judge

Additional
maintenance.

Judge of the Division Court of the division in which the parent resides, for an order for payment of such maintenance or of such additional maintenance as to him may seem just, and a parent may also apply to the Judge in like manner for an order reducing the amount payable under any such order, or revoking, varying or suspending the operation of the same.

Enforcing
Judge's order.

(6) An order made under this section may be enforced in the same manner as an order made by a Judge of a County Court and may be enforced under *The Act respecting the Enforcement of Judges' Orders in Matters not in Court*. R.S.O. 1897, c. 259, s. 6, amended.

Rev. Stat. c. 76.

AUTHORITY OF SOCIETY'S AGENT.

Society's Agent
—Powers.

9. The officers of a Children's Aid Society or Children's Committee may, in cities and towns, be authorized by the Board of Commissioners of Police and in towns having no Board of Commissioners of Police may be authorized by the Judge of the County Court to act as constables or probation officers for the purpose of enforcing the provisions of this Act and of *The Industrial Schools Act*. R.S.O. 1897, c. 259, s. 7 (1).

APPREHENSION OF NEGLECTED CHILD.

Neglected
child—
Apprehension.

10.—(1) A constable so appointed or a chief constable or inspector of police may apprehend without warrant and bring before the Judge a neglected child. R.S.O. 1897, c. 259, 7, *part, amended*.

Proceedings
before Judge.

(2) The child shall be brought before the Judge for examination within one week after apprehension, and the Judge shall investigate the facts of the case and ascertain whether the child is a neglected child and its age, and the name, residence and religion of its parents.

Witnesses.

(3) The Judge may compel the attendance of witnesses, and may require the attendance of the County Crown Attorney upon such investigation.

Parents, etc.,
may appear

(4) The parents or person having the actual custody of a child shall be notified of the investigation, and any person may appear on behalf of the child.

Child may be
delivered to
Society.

(5) If on such investigation the Judge finds that the child is a neglected child he may order that the child be delivered to the Children's Aid Society, and the Society may send the child to their temporary home or shelter to be kept until placed in a foster home.

Order to be
filed with Sup-
erintendent
and Society.

(6) The order shall contain a statement of the facts so far as ascertained, and shall be filed with the Superintendent, and the judge shall transmit a certified copy thereof to the
Children's

Children's Aid Society. R.S.O. 1897, c. 259, s. 8 (1), *amended*.

(7) If, in the opinion of the Judge the child has been leading an immoral or depraved life, or is not a fit subject to be dealt with under subsection (5), the Judge may order the child to be committed to an industrial school or refuge for boys or girls or other institution subject to the inspection of the Inspector, or to a charitable society authorized to exercise the powers conferred by *The Act respecting Apprentices and Minors*, and willing to receive such child, to be kept, cared for and educated for a period not exceeding three years, and thereafter to be delivered to the Children's Aid Society for the purpose of being placed in a foster home until the child arrives at the age of twenty-one years. R.S.O. 1907, c. 259, s. 8 (2).

Child may be committed to Industrial School.

Rev. Stat., c. 161.

TO SELECT FOSTER HOMES.

11.—(1) The Children's Aid Society to the care of which a child has been committed, shall, subject to the provisions of sections 12 and 13, be the legal guardian of such child, and it shall be the duty of such society to use diligence in providing a suitable home for such child.

Foster Homes.

(2) The society may place the child in a foster home during minority, or for any shorter period in the discretion of such society, under a written contract which shall provide for the education of the child in a public school (or in the case of a Roman Catholic child in a separate school), for teaching some useful occupation, for kind and proper treatment as a member of the family and for payment on the termination of such contract to the society for the use of the child of any sum of money that may be provided for in the contract and shall contain a provision reserving the right to withdraw the child from any person having its custody when in the opinion of the society the welfare of the child so requires. R.S.O. 1897, c. 259, s. 10 (1).

Society may place child in home.

(3) Where a child has been placed in a foster home, and has failed to show good conduct, or for any other reason requires special training, the Superintendent may order such child to be transferred to an Industrial School, or other institution subject to the inspection of the Inspector, and such transfer shall have the same effect as if made by a judge. *New*.

Superintendent may transfer child to Industrial School.

12.—(1) Where a child is deserted by its parents and is maintained by a Children's Aid Society, or in a foster home, having been placed there by proper authority, the Children's Aid Society may at any time resolve that the child shall be under the control of such society until it reaches the age of twenty-one years or such earlier age

Society may take control of child by resolution.

as

as may be thought proper, and thereupon until the child reaches that age all the powers and rights of the parent in respect of the child shall, subject to the provisions of this Act, vest in the society.

Resolution may be rescinded.

(2) The society may rescind such resolution if they think that it will be for the benefit of the child that it should be rescinded or may permit the child to be either permanently or temporarily under the control of its parent, or of any other relative or of any friend.

Judge may determine resolution.

(3) A Judge of the High Court or a Judge of the County or District Court, if satisfied on complaint made by a parent of the child, that the child has not been maintained by the society, or was not deserted by such parent, and that it is for the benefit of the child that it should be either permanently or temporarily under the control of such parent, or that the resolution of the society should be determined, may make an order accordingly, and any such order shall be complied with by the society, and if the order determines the resolution, it shall be thereby determined as from the date of the order, and the society shall cease to have the rights and powers of the parent in respect of the child.

When child to be deemed to be maintained by Society.

(4) For the purposes of this Act a child shall be deemed to be maintained by a Children's Aid Society if it is wholly or partly maintained by them, either in a shelter or temporary home or other institution conducted by the society, or is placed out under the provisions of this or any other Act.

When to be deemed deserted.

(5) Where a parent has been convicted on a criminal charge, or in respect of an offence committed against his child, the child shall be deemed to be deserted by that parent.

Other persons not relieved of care.

(6) Nothing in this section shall relieve any person from liability to contribute to the maintenance of a child; but the fact of such contribution being made shall not deprive the society of any of the powers and rights conferred on them by this section. R.S.O. 1897, c. 259, s. 11, *amended*.

Application to Court for production of child.

13.—(1) Where a parent applies to the High Court for an order for the production of a child committed under this Act, and the court is of opinion that the parent has abandoned or deserted the child, or that he has otherwise so conducted himself that the court should refuse to enforce his right to the custody of the child, the court may, in its discretion, decline to make the order.

Court may order compensation.

(2) If at the time of the application, the child is being brought up by another person, or has been placed out by a Children's Aid Society, the court, if it directs the child to be given up to the parent, may order that the parent shall pay to such person or society the whole of the expense properly

properly incurred in bringing up the child, or such portion thereof as may seem just.

(3) Where a parent has

(a) Abandoned or deserted his child, or

(b) Allowed his child to be brought up by another person at that person's expense, or by a Children's Aid Society, for such time and under such circumstances as to satisfy the court that the parent was unmindful of his parental duties,

Order when
child deserted
or brought up
by others.

the court shall not make an order for the delivery of the child to the parent unless he satisfies the court that having regard to the welfare of the child he is a fit person to have the custody of the child.

(4) If the court is of opinion that the parent ought not to have the custody of the child but that the child is being brought up in a different religion from that in which the parent has a legal right to require that the child shall be brought up, the court shall have power to make such order as the court may think fit to secure that the child be brought up in that religion.

Order as to
religious
education.

(5) Nothing in this section shall affect the power of the court to consult the wishes of the child in determining what order ought to be made, or any right which a child now possesses to exercise its own free choice. R.S.O. 1897, c. 259, s. 12.

Child's wishes
to be consulted

SURRENDER OF CHILDREN.

14. A parent, who by instrument in writing has surrendered the custody of a child to a Children's Aid Society, Incorporated Boys' or Girls' Home, Orphans' Home or Asylum, or Children's or Infant's Home subject to inspection by the Inspector, shall not thereafter contrary to the terms of such instrument, be entitled to the custody of or any control or authority over or any right to interfere with such child. R.S.O. 1897, c. 259, s. 13.

Parent who has
surrendered
custody of
child.

RIGHT OF INSPECTION.

15. Every society or person to whose care a child is committed under the provisions of this Act, and every person intrusted with the care of any such child, shall from time to time permit such child to be visited, and any place where such child may be or reside to be inspected by the Superintendent or any person duly authorized in that behalf. R.S.O. 1897, c. 259, s. 15.

Right of Super-
intendent to
inspect.

Ministers of religion to be admitted to shelters.

16. Subject to such regulations as may be approved of by the Minister, all ministers of religion or persons authorized by the recognized head of any religious denomination, shall have admission to every temporary home or shelter and access to such of the children placed or detained therein as belong to their respective denominations, and may give instruction to them on the days and at the times appointed by such regulations for the religious education of such children, and may enter in a book to be kept for that purpose any remarks pertinent to the work or shelter. R.S.O. 1897, c. 259, s. 16.

INSTITUTIONS MAY TRANSFER CHILDREN.

Homes or schools may transfer child.

17. Notwithstanding the provisions of any by-law, rule or regulation for the government or control of an incorporated Orphanage, Children's Home, Infant's Home or Industrial School, the trustees or governing body thereof may take advantage of the provisions of this Act by transferring any child under their guardianship to the Superintendent or to the Children's Aid Society in the locality of such orphanage, home or school to be placed out by the Superintendent or by such Children's Aid Society in pursuance of the provisions of this Act, and in such case it shall be the duty of the Superintendent to visit such child. R.S.O. 1897, c. 259, s. 19.

Rules to be made by Minister.

18. The Minister may make rules respecting the management of societies operating under this Act. R.S.O. 1897, c. 259, s. 20.

WANDERING ABOUT AT NIGHT.

Child in public place at night.

19.—(1) Municipal councils in cities, towns, and incorporated villages may pass by-laws regulating the time after which children shall not be in a public place at night without proper guardianship and the age or apparent age, of boys and girls respectively, under which they shall be required to be in their homes at the hour appointed.

To be warned and taken home or to shelter.

(2) A child found in a public place after the time appointed may be warned to go home by any constable or peace officer, and if after such warning the child is found loitering in a public place such child may be taken by the constable or officer to its home, or to the Children's Shelter.

Penalty for parent.

(3) Any parent may be summoned for permitting his child to habitually violate such by-law, and may be fined for the first offence \$1, without costs, and for the second offence \$2, and for a third, or any subsequent offence \$5. R.S.O. 1897, c. 259, s. 21.

PENALTY

PENALTY FOR ILL-TREATMENT.

20. Any person who, having the care, custody, control or charge of a boy under the age of fourteen years, or a girl under the age of sixteen years, ill-treats, neglects, abandons, or exposes such child, or causes or procures such child to be ill-treated, neglected, abandoned, or exposed, in a manner likely to cause such child unnecessary suffering, or serious injury to its health, shall be guilty of an offence under this Act, and, upon conviction shall incur a penalty not exceeding \$100, and in default of payment of such fine, or in addition thereto, to imprisonment, for a term not exceeding one year. R.S.O. 1897, c. 259, s. 22.

Ill-treating,
neglecting, etc.

Penalty.

CAUSING CHILDREN TO BE NEGLECTED OR TO BEG OR PEDDLE.

21.—(1) Any person who—

- (a) Causes or procures a child to be in any public place for the purpose of begging or receiving alms, or of inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale, or otherwise; or
- (b) Causes or procures a child to be in any public place for the purpose of singing, playing, or performing for profit, or offering anything for sale between ten p.m. of one day and six a.m. of the following day; or
- (c) Subject to the provisions of subsection 2, causes or procures any child to be at any time in any circus or other place of public amusement to which the public are admitted by payment, for the purpose of singing, playing, or performing for profit, or offering anything for sale; or
- (d) Is wilfully guilty of an act or omission producing, promoting or contributing to a child being or becoming a neglected child;

Causing child
to beg.

To perform or
sell in public
place after 10
p.m.

To be in circus,
etc., for pur-
pose of per-
forming.

Causing child
to be a neglect-
ed child.

shall be guilty of an offence under this Act and on conviction shall incur a penalty not exceeding \$100, and in default of payment of the penalty, or in addition thereto, shall be liable to imprisonment for a term not exceeding one year.

Penalty.

(2) In the case of any entertainment, or series of entertainments, to take place in premises used for public entertainment, or in any circus or other place of public amusement where it is shown that proper provision has been made to secure the health and kind treatment of a child proposed to be employed thereat, the head of the council of the municipality may grant a license for such time, and during such hours of the day, and subject to such restrictions and conditions

Permission for
child to per-
form in public.

ditions as he may think fit, for any child over ten years of age of whose fitness to take part in such entertainment or series of entertainments without injury he is satisfied; and such license may at any time be varied, added to, or revoked by him.

Officer to be appointed to supervise.

(3) The municipal council shall assign to some person, the duty of seeing that the restrictions and conditions of any license granted under authority of this section are duly complied with, and such person shall have power to enter, inspect and examine any place at which the employment of a child is for the time being licensed. This duty shall be discharged by the chief constable of the municipality until some other person is appointed. R.S.O. 1897, c. 259, s. 24, *amended*.

POWER OF SEARCH.

Search for neglected child.

22.—(1) If it appears to a Police Magistrate, or to a Justice of the Peace, on information laid before him on oath by any person who, in the opinion of the Magistrate or Justice, is *bona fide* acting in the interest of the child, that there is reasonable cause to suspect that a child has been or is being ill-treated or neglected in any place within the jurisdiction of such Magistrate or Justice in a manner likely to cause the child unnecessary suffering, or to be injurious to its health or morals, such Magistrate or Justice may issue a warrant authorizing any person named therein to search for such child, and if it is found to have been or to be ill-treated or neglected, to take it to and detain it in a place of safety until it can be brought before a Judge, and the Judge before whom the child is brought may cause it to be dealt with in the manner provided by section 25 or by section 26.

Order for apprehension.

(2) The Magistrate or Justice may by the same warrant cause any person accused of an offence in respect of the child to be apprehended and brought before a Judge, to be dealt with according to law.

Right of entry by Officer.

(3) Any person authorized by warrant under this section to search for a child, and to take it to and detain it in a place of safety may enter (if need be, by force) any house, building or other place specified in the warrant, and may remove the child therefrom.

Particular description not needed.

(4) It shall not be necessary in any information or warrant laid or issued under the provisions of this section to describe a child by name. R.S.O. 1897, c. 259, s. 25.

INTERFERING WITH WARDS OF A SOCIETY.

23. No person shall

Interfering with wards of Children's Aid Society.

(a) Induce any child to leave the building or premises or custody or control of any Children's Aid Society

Society or of any boys' or girls' home or orphans' home or asylum or children's or infants' home, subject to inspection by the Inspector; or

- (b) Induce or attempt to induce a child under the age of twenty-one years to leave any service or apprenticeship or any place where the child has been lawfully placed for the purpose of being nursed, supported, educated or adopted; or
- (c) Induce, or attempt to induce any child under the age of twenty-one years to break any articles of apprenticeship or agreement lawfully entered into by or with the authority of the trustees or directors or governing body of any such Children's Aid Society, home or asylum respecting such child; or
- (d) Detain or harbour such child after demand made by or on behalf of any officer of any such institution for delivery up of such child.

(2) A person who violates the provisions of this section ^{Penalty} shall be guilty of an offence against this Act and shall incur a penalty not exceeding \$20 and costs, and, in default of payment of the penalty and costs shall be liable to imprisonment for any period not exceeding thirty days. R.S.O. 1897, c. 259, s. 28.

JUVENILE OFFENDERS.

24.—(1) A child charged with an offence against the laws of Ontario or who is brought before a Judge under any of the provisions of this Act, shall not before trial or examination be confined in a lock-up or a police cell used for persons charged with crime, nor save as hereinafter mentioned, shall such child be tried or have its case disposed of in the police court room ordinarily used. ^{Separate custody of juvenile offenders.}

(2) The council of every local municipality shall make provision for the separate custody and detention of such child prior to its trial or examination, by arrangement with a police officer or some person or society willing to undertake the responsibility of such temporary custody or detention on such terms as may be agreed upon, or by providing suitable premises entirely distinct and separated from the ordinary lock-ups or police cells. ^{Municipality to provide same.}

(3) The Judge shall try such child or examine into its case and dispose thereof, where practicable, in premises other than the ordinary police court premises or where this is not practicable, in the private office of the Judge, if he have one, or in some other room in the municipal buildings, or, if this be not practicable, then in the ^{Children's Courts.} ordinary

29 s.

ordinary police court room, but in such last mentioned case not until two hours have elapsed after the other trials or examinations for the day have been disposed of.

Enquiry may take place in premises of Society.

(4) Where a Children's Aid Society possesses premises affording the necessary facilities and accommodation, a child may, after apprehension under the provisions of this Act, be temporarily taken charge of by the society until its case is disposed of; and the Judge may hold the examination into the case of such child in the premises of the society.

Trial of offence of child or parent—Excluding public.

(5) Where a child, or a parent charged with an offence in respect of a child under this Act is being tried the Judge shall exclude from the room or place where such person is being tried or examined, all persons other than the counsel and witnesses in the case, officers of the law or of any Children's Aid Society and the immediate friends or relatives of the child or parent. R.S.O. 1897, c. 259, s. 29.

TO NOTIFY SOCIETY'S AGENT.

Notice of complaint against child to be sent to Society.

25.—(1) When a complaint is made or pending against a child before a Judge he shall at once cause notice in writing to be given to the executive officer of the Children's Aid Society, if there be one in the county, who shall have opportunity allowed him to investigate the charge.

Society's officer to make enquiry.

(2) Upon receiving such notice the officer may proceed to enquire into and make full examination as to the parentage and surroundings of the child and all the circumstances of the case and report the same to the Judge.

Judge may order officer to take charge of child.

(3) Where it appears to the Judge that the public interest and the interest of the child will be best served thereby, an order may be made for the return of the child to its parents or friends, or the Judge may authorize the said officer to take such child and bind it out to some suitable person until it attains the age of 21 years, or for any less time, or may impose a fine, or suspend sentence for a definite or indefinite period, or may cause the child to be sent to an industrial school, and in such case the report of the officer of the society shall be attached to the warrant of commitment. R.S.O. 1897, c. 259, s. 30.

DISPOSAL OF YOUTHFUL OFFENDER.

Judge may hand over child to home or Industrial School.

26.—(1) The Judge instead of committing a child to prison may hand over the child to the charge of a home for destitute and neglected children, or Industrial School, or Children's Aid Society, and the managers of such home, school or society may permit its adoption by a suitable person, and may apprentice it to a suitable trade, calling or service, and the transfer shall be as valid as if the managers were the parents of such child.

(2) The parents of such child shall not remove or interfere with the child so adopted or apprenticed, except by permission in writing of the home, school or society. Interference by parent.
 R.S.O. 1897, c. 259 s. 31.

CHILDREN UNDER ARREST.

27. No child held for trial or under sentence in any gaol or other place of confinement shall be placed or allowed to remain in the same cell or room in company with adult prisoners, and the officer in charge of such place of confinement shall secure the exclusion of such child from the society of adult prisoners during its confinement. Child under arrest not to be in company of adult persons. R.S.O. 1897, c. 259, s. 32.

COMMISSIONER MAY BE APPOINTED.

28. The Lieutenant-Governor may appoint commissioners, with the powers of a Police Magistrate, to hear and determine complaints against juvenile offenders, apparently under the age of sixteen years. Commissioners. R.S.O. 1897, c. 259, s. 33.

29. Where a person is charged with an offence under this Act in respect of a child who is alleged to be under a specified age, and the child appears to the Judge to be under that age, such child shall for the purposes of this Act be deemed to be under that age, unless the contrary is proved. Presumptive age of child. R.S.O. 1897, c. 259, s. 35.

MISCELLANEOUS.

30.—(1) Notwithstanding anything in this Act, no Protestant child shall be committed to the care of a Roman Catholic Children's Aid Society or Institution, nor shall a Roman Catholic child be committed to a Protestant Children's Aid Society or Institution, and in like manner no Protestant child shall be placed out in any Roman Catholic family as its foster home, nor shall a Roman Catholic child be placed out in any Protestant family as its foster home. Roman Catholic and Protestant child.

(2) This section shall not apply to the care of a child in a temporary home or shelter in a municipality in which there is but one Children's Aid Society. Where only one Society in Municipality.

(3) The certificate of the Inspector shall be sufficient as to the character of a society or institution for the purposes of this section. Inspector's certificate as to character of Society. R.S.O. 1897, c. 259, s. 38.

31. Chapter 259 of the Revised Statutes of Ontario 1897, is repealed. R.S.O. 1897 c. 259 repealed.

CHAPTER

CHAPTER 60.

An Act to amend The Act to Regulate the Means
of Egress from Public Buildings*Assented to 14th April, 1908.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.
c. 263, s. 1
amended.

1. Section 1 of *The Act to regulate the Means of Egress from Public Buildings* is numbered subsection (1) of the said section and is amended by inserting after the word "amusement" in the third line thereof the words "and school houses of more than one story in height," and by adding the following subsection:—

Cinematograph
exhibitions.

(2) No cinematograph or other similar apparatus involving the use of a combustible film more than ten inches in length, shall be kept or exhibited in premises licensed for entertainments or in a church, hall, theatre, school house or room, or other building constructed or used for holding public meetings or for a place of resort or amusement until such cinematograph or apparatus has been inspected and approved by the police of the municipality or such officer as the municipal council may appoint, and until such precautions against fire as the municipal council may prescribe have been taken by the owner, user or exhibitor of cinematograph or other similar apparatus.

Inspection by
police.

(3) The municipal police or such officer shall inspect every such cinematograph or apparatus which is used or kept on or in any place or premises mentioned in subsection 2, and the council of the municipality may make such rules and regulations as they may deem necessary for the use of such apparatus and for the examination and qualification of persons operating the same.

Regulations.

(4) The Lieutenant-Governor in Council may make regulations for the exhibitions of cinematographs and for the examination and qualification of persons operating the same and may authorize Provincial Detectives or other officers to enforce the same and may impose a provincial fee for the exhibition of a cinematograph, not exceeding \$10 per year.

CHAPTER

CHAPTER 61.

An Act to amend The Act to Preserve the
Forests from Destruction by Fire.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows :

1. Section 17 of *The Act to preserve the Forests from
destruction by Fire*, as enacted by the Act passed in the
sixth year of His Majesty's reign, chapter 49, is amended
by inserting after the word "construction" in the first line
thereof the words "and after the completion," and by
striking out the words "of construction" in the sixth line
thereof, and by striking out the word "company" in the
ninth line thereof.

Rev. Stat.,
c. 267, s. 17
amended.

CHAPTER 62.

An Act to amend The Act to Prevent the Spread
of Noxious Weeds.*Assented to 14th April, 1908.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Rev. Stat., c.
279, s. 8, subs.
1, 2 repealed.

1. Subsections 1 and 2 of section 8 of *The Act to prevent the spread of Noxious Weeds and Diseases affecting Fruit Trees*, as enacted by section 2 of the Act passed in the fourth year of His Majesty's reign, Chaptered 27, are repealed and the following substituted therefor :

Duties of
overseers of
highways as to
noxious weeds.

8.—(1) It shall be the duty of the overseers of highways in any municipality to see that the provisions of this Act relating to noxious weeds are carried out within their respective highway divisions, by cutting down or destroying or causing to be cut down or destroyed at the proper times to prevent the ripening of their seed, all the noxious weeds growing in the highways or road allowances within their respective divisions; such work to be performed as part of the ordinary statute labour or to be paid for at a reasonable rate by the treasurer of the municipality, as the council of the municipality may direct.

CHAPTER 63.

An Act to amend The Line Fences Act.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows.

1. Section 4 of *The Line Fences Act* is amended by striking out the first two lines thereof and substituting therefor:—

“Where any owner of such land desires fence viewers to view and arbitrate as to what portion of such fences each owner shall make, keep up and repair or to view and arbitrate as to the condition of any existing line fence as to repairs being done to the same the following proceedings shall be adopted.”

Proceedings,
when may be
taken under
Act.

CHAPTER 64.

An Act to amend The Ditches and Watercourses Act.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.
c. 285, s. 6,
repealed.

1. Section 6 of *The Ditches and Watercourses Act* is repealed and the following substituted therefor:—

Limit of area
to be assessed.

6. The lands, the owners of which may be made liable for the construction of a ditch under this Act shall be those lying within the distance of one hundred and fifty rods from the sides and point of commencement of the ditch, but the lands through or into which the ditch does not pass and which lands also adjoin any road allowance traversed by the ditch shall not be liable, except when directly benefited and then only for the direct benefit.

Rev. Stat.,
c. 285, s. 36,
amended.

2. Section 36 of *The Ditches and Watercourses Act* is amended by striking out the words "this proviso shall apply only to that portion of the Province lying east of the County of Frontenac," at the end of the said section.

CHAPTER 65.

An Act to amend The Ontario Game and Fisheries Act.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Clause (c) in subsection 1 of section 11 of *The Ontario Game and Fisheries Act* is amended by striking out the words "19th day of October and the 20th day of November" in the 5th and 6th lines of the said clause and inserting in lieu thereof the words "16th day of October and the 15th day of November." 7 Edw. VII. c. 49, s. 11, subs. 1, cl. (c), amended.

2. Subsection 3 of section 12 of the said Act is amended by adding after the word "April" at the end of the first line the words "or speared at any time." 7 Edw. VII. c. 49, s. 12, subs. 3, amended.

3. Subsection 2 of section 14 is amended by striking out the words "young deer" in the 2nd line. 7 Edw. VII. c. 49, s. 14, subs. 2, amended.

4. Subsection 3 of section 15 of the said Act is amended by adding after the word "boat" in the last line thereof "or water line bounding private property." 7 Edw. VII. c. 49, s. 15, subs. 3, amended.

5. Clause (a) in subsection 1 of section 40 of the said Act is amended by striking out the words "1st day of January" in the 3rd line and inserting in lieu thereof the words "16th day of January." 7 Edw. VII. c. 49, s. 40.

6. Clauses (b) and (c) in subsection 2 of section 48 of the said Act are repealed. 7 Edw. VII. c. 49, s. 48, cl. (b) and (c), repealed.

7. Clause (a) of section 49 of the said Act is amended by striking out the words "1st day of January" in the 6th line and inserting in lieu thereof the word "16th day of January." 7 Edw. VII. c. 49, s. 49, cl. (a), amended.

7 Edw. VII.
c. 49, s. 49, cl.
(c), amended.

8. Clause (c) of the said section is amended by striking out the words "sold under game dealer's license" in the 5th and 6th lines and inserting in lieu thereof the words "legally kept in cold storage."

7 Edw. VII.,
c. 49, s. 57,
subs. 1,
amended.

9. Subsection 1 of section 57 of the said Act is amended by adding after the word "regulations" in the last line, the words "and shall have power as such justices to take informations and issue warrants or summonses in any County or District of the Province, the same to be returnable in the County or District in which the offence charged in such warrant or summons is alleged to have been committed."

7 Edw. VII.
c. 49, amended.

10. The said Act is amended by inserting therein the following as section 59a:—

Deputy Game
and Fishery
Wardens—
Appointment,
etc. of.

59a.—(1) Subject to the approval of the Minister, the Superintendent of Game and Fisheries shall have power to appoint, and from time to time in his discretion, dismiss Deputy Game and Fishery Wardens, in and for any part of the Province.

Remuneration.

(2) Deputy Game and Fishery Wardens shall be appointed without salary, except when on special service, and shall receive one-half of all fines resulting from convictions obtained by them.

Form of oath.

(3) Every Deputy Game and Fishery Warden shall take and subscribe the following oath:—

I (A.B.), a Deputy Game and Fishery Warden for the Province of Ontario, do solemnly swear that to the best of my judgment I will faithfully, honestly and impartially fulfil, execute and perform the office and duty of such Deputy Game and Fishery Warden according to the true intent and meaning of *The Ontario Game and Fisheries Act*, and of all regulations made or to be made thereunder. So help me God.

7 Edw. VII.,
c. 49.

To have the
authority of
constables.

(4) Persons duly appointed Deputy Game and Fishery Wardens, and having taken the oath hereinbefore provided, shall be and exercise the authority of constables for the purposes of this Act, and of all regulations.

7 Edw. VII.
c. 49, s. 62,
subs. 4,
repealed.

11. Subsection 4 of section 62 of the said Act is repealed.

CHAPTER 66.

An Act to amend The Department of Education Act.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3 of *The Department of Education Act* is ^{6 Edw. VII., c. 52, s. 3,} amended by striking out the word “classes” in the seventh ^{amended.} line and substituting therefor the word “schools.”

2. Subsections 1 and 2 of section 4 of the said Act are ^{6 Edw. VII., c. 52, s. 4, subs. 1, 2, amended.} amended by striking out the words “continuation classes”, where they occur therein and by substituting therefor in subsection 1 the words “Agricultural Departments.”

3. Subsection 3 of said section 4 is repealed and the following substituted therefor: ^{6 Edw. VII., c. 52, s. 4, subs. 8, repealed.}

“3. For determining the qualifications and duties of ^{Qualification and duties of inspectors and teachers.} Inspectors and teachers of such schools, departments, school gardens, and institutes; for conducting the examinations prescribed by the Department of Education and settling the results thereof; and for granting temporary, interim, permanent and renewed certificates of qualification to teachers.”

4. Subsection 8 of said section 4 is repealed and the following substituted therefor: ^{6 Edw. VII., c. 52, s. 4, subs. 8, repealed.}

(8) For setting apart public or separate schools as ^{Model schools.} model schools for the training of teachers for public or separate schools.

5. Section 23 is amended by adding thereto the following as subsection 2a: ^{6 Edw. VII., c. 52, s. 23, amended.}

(2a) To apportion all sums of money voted by the ^{Apportionment of school grants.} Legislative Assembly as a special grant for urban

urban public and separate schools among the several cities, towns and incorporated villages, on the basis of the grade of the teachers' certificates and the length of their successful experience; and to pay the money so apportioned at the same time and in the same manner as the sums paid under subsections 1 and 2 immediately preceding.

6 Edw. VII., c.
52, s. 23, subs. 3.

6. Subsection 3 of said section 23, as enacted by section 4 of the Act passed in the 7th year of His Majesty's reign, Chaptered 50, is amended by inserting after the word "certificates" in the last line the words "the length of their successful experience."

6 Edw. VII., c.
52, s. 23, subs.
10. amended.

7. Subsection 10 of said section 23, as so enacted, is amended by inserting after the word "continuation" in the ninth line the words "schools and fifth" and by inserting after the word "schools" where it first occurs in the fourteenth line the words "Art Departments of High Schools, Agricultural Departments of High Schools."

CHAPTER 67.

An Act to amend the Public Schools Act.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 8 of *The Public Schools Act* is repealed and the following substituted therefor:

1. Edw. VII., c.
39, s. 8,
subs. 1, re-
pealed.
Continuation
schools.

- (1) Subject to the regulations of the Department of Education, the school corporation of any municipality or school section in which there is no high school shall have power to establish and maintain in connection with the public school over which it has jurisdiction, courses of study in addition to and in connection with the courses already provided for the fifth form of public schools. The classes established under such courses shall be known as Continuation Schools.

2. Subsection 2 of the said section 8 as enacted by section 3 of the Act passed in the 6th year of His Majesty's reign, Chaptered 53, is amended by striking out the word "classes" in the fifth and tenth lines and substituting therefor the word "schools;" and by inserting the words "establishment and" after the word "the" in the tenth line and after the word "of" where it first occurs in the twelfth line.

1 Edw. VII., c.
39, s. 8, subs. 2,
amended.

3. Subsection 3 of the said section 8 is repealed and the following substituted therefor:

1 Edw. VII., c.
39, s. 8, subs. 3,
repealed.

- (3) Pupils shall be admitted into continuation schools and fifth classes in accordance with the regulations governing the admission of pupils into High Schools, or on the report of the principal approved by the public school inspector of the district.

Regulations for
admission of
pupils to
continuation
schools.

1 Edw. VII., c.
39, s. 8, subs. 6,
amended.

4. Subsection 6 of the said section 8 is amended by striking out all the words thereof down to and inclusive of the word "Department" in the 4th line; by striking out the word "such" in the 5th line and inserting in place thereof the words "continuation schools and fifth;" by striking out the word "class" in the 7th line and substituting therefor the words "continuation schools and fifth classes;" and by inserting the words "schools and fifth" after the word "continuation" in each place where it occurs in the paragraph added to said subsection 6 by 6 Edward VII., chapter 53, section 5.

"Classes" meaning of in
7 Edw. VII., c.
51, s. 2.

5. Wherever the word "classes" occurs in subsection 7 of said section 8 as enacted by section 2 of the Act passed in the 7th year of His Majesty's reign, Chaptered 51, it shall be interpreted to mean "schools or fifth classes."

2 Edw. VII.,
c. 40, s. 2,
repealed.

6. Section 2 of chapter 40 of the Acts passed in the second year of His Majesty's reign is hereby repealed.

1 Edw. VII.,
c. 39, amended.

7. *The Public Schools Act* is hereby amended by adding thereto the following as section 41a:—

Union of school
sections for
purpose of
establishing
central school.

41a.—(1) In case the ratepayers in each of two or more rural school sections, at a special meeting duly called by the trustees or the public school inspector for that purpose, pass a resolution to unite for the purpose of carrying on a central school, the municipal council of the township in which said school sections are situated, or, in case the said school sections are situated in different townships, then the municipal councils of each of said townships shall have power to pass a by-law to consolidate the said sections for the said purpose.

Resolutions
and by-laws.

(2) The said resolutions and by-law or by-laws shall fix a date for the establishment of such central school, which date shall not be less than three months after the passing of the last of said by-laws nor prior to the first day of the next calendar year after the said resolutions are passed.

Trustees,—
number of.

(3) The said council or councils may also, by the same or subsequent by-laws, limit the number of trustees of such consolidated school sections to two from each of the sections consolidated, but no such by-law shall take effect in case the consolidated school section extends into more than one township, till a by-law to the like effect has been passed by each township council.

Trustees to be
a school
corporation,

(4) The trustees of such consolidated school section shall be a corporation under the name of "The Board of Trustees of Consolidated School;" and shall possess all the powers and duties and be subject to all the liabilities conferred and imposed by this Act upon the trustees of rural public schools, and may also provide for the conveyance of pupils

pupils in the several consolidated sections to and from school and for the cost thereof; and they may, subject to the approval of the Minister of Education, select the name of such central school.

(5) In case the consolidated sections are in different townships or counties the provisions of this Act relating to union school sections shall apply to the said consolidated school section for the purpose of fixing the proportion of the cost of maintaining the said central school to be borne by the different parts of such consolidated school section so situated in different townships or counties; and each township in which any part of the consolidated section is situated shall levy, collect and pay over its proportion of such cost so ascertained, as if the said central school were a union school.

Where sections are in different townships or counties.

(6) The school sections so consolidated as aforesaid shall maintain their separate identity and each of such sections shall annually elect three trustees as if no consolidation had taken place. And the trustees so elected shall be the trustees of the consolidated school section. Or, in case the number of trustees of the consolidated school section shall be reduced to two from each section, as hereinbefore provided, then the two receiving the largest number of votes in each section shall be trustees of the consolidated school section. In case of a tie the election to the consolidated board shall be determined in the manner provided by this Act for deciding the election in case of a tie between candidates for a rural school board.

Election of Trustees for each section.

(7) The trustees so elected for each separate section shall be a school corporation under this Act and shall have the corporate powers of a rural school board and shall have the care of the school buildings and property, if any, which belonged to such section prior to the consolidation, and shall make such requisitions upon the consolidated board as may be necessary to provide insurance and protection therefor. And the said trustees, if authorized by the majority of ratepayers at a meeting duly called for that purpose, shall dispose of such school buildings and property or any part thereof in such manner and on such terms as the ratepayers may determine at such meeting.

Trustees of each section to form a school corporation.

(8) The trustees of the consolidated school section shall include the respective sums required by each separate section under the last preceding subsection and shall distinguish the same in their annual requisition upon the municipal council or councils for school funds and the sum so required by each separate section shall be levied and collected upon the taxable property of the public school supporters in that section, and the consolidated school board shall pay the same, as required, to the trustees of the respective separate sections aforesaid.

Requisition on council for annual amount required.

1 Edw. VII.,
c. 39, s. 55,
amended.

8. Section 55 of the said Act is hereby amended by inserting after the word "years" in the fifth line of the first subsection thereof the words: "or, in the case of a consolidated section, for a period of at least three years;" and the said section shall be read and construed as if it had been originally enacted as hereby amended.

1 Edw. VII.,
c. 39, s. 65,
amended.

9. Section 65 of the said Act is hereby amended by adding thereto the following as paragraph 17:—

Trustees may
dismiss secre-
tary or
treasurer.

"17. The board of trustees shall have power to dismiss the secretary or treasurer at any time and thereupon make a new appointment to fill the vacancy."

6 Edw. VII., c.
53, s. 39,
amended.

10. Section 70 of the said Act, as enacted by section 39 of the Act passed in the 6th year of His Majesty's reign, Chaptered 53, and amended by section 19 of the Act passed in the 7th year of the said reign. Chaptered 51, is further amended by inserting therein after subsection 4, the following as subsection 5:

Continuation
school to be a
public school.

(5) For the purposes of subsections 2, 3 and 4 of this section every continuation school shall be deemed a public school.

1 Edw. VII., c.
39, s. 82, subs. 1,
amended.

11. Subsection 1 of section 82 of the said Act is amended by inserting after the word "character" in the second line the words "and good physique," and by striking out all the words of the said subsection after the word "certificate" in the fourth and fifth lines and substituting therefor the words "of qualification as a teacher according to the regulations of the Department of Education."

1 Edw. VII., c.
39, s. 82, subs. 2,
amended.

12. Subsection 2 of said section 82 is amended by inserting the word "and" at the commencement of the fourth line; by striking out the word "three" in the fifth line and substituting therefor the word "five;" and by striking out all the words of the said subsection after the word "years" in the fifth line.

1 Edw. VII., c.
39, s. 82, subs. 3,
repealed.

13. Subsection 3 of said section 82 is repealed.

1 Edw. VII., c.
39, s. 82, subs. 7,
amended.

14. Subsection 7 of said section 82 is amended by inserting after the word "writing" in the fifth line the words "the Minister of Education"; by striking out the first three words of the sixth line and by adding at the end of the said subsection the words "and the reasons therefor."

1 Edw. VII., c.
39, s. 82, subs. 8,
repealed.

15. Subsection 8 of said section 82 is repealed and the following substituted therefor;

- (8) The teacher so suspended may appeal against the said suspension to the Minister of Education whose decision with respect thereto shall be final.

16. Section 82 is amended by adding thereto the following as subsection 9:

1 Edw. VII., c. 39, s. 82, amended.

(9) The inspector while engaged in conducting an investigation into a teacher's inefficiency, misconduct, or violation of this Act or of the regulations for the purposes of subsection 7 of this section, shall be paid the sum of four dollars *per diem* and travelling expenses by the treasurer of the county.

Fees of Inspector holding investigation into teacher's conduct.

17. Sections 83 and 84 of the said Act are repealed.

1 Edw. VII., c. 39, ss. 83, 84, repealed.

18. Subsection 6 of section 87 of the said Act is amended by striking out the first three lines and the first three words of the fourth line.

1 Edw. VII., c. 39, s. 87, subs. 6, amended.

19. All by-laws or proceedings which have been passed or taken prior to the first day of January, 1908, relating to the alteration or dissolution of any consolidated school section or consolidated school are hereby declared to be valid, whether such by-laws or proceedings were legally passed or taken or not; and all legal proceedings, if any, calling in question the legality or validity of such by-laws or proceedings shall be forthwith stayed, subject to such terms as to costs as may be determined by the county judge.

Confirmation of proceedings as to consolidated schools.

CHAPTER 68.

An Act respecting Separate Schools Fifth Classes
and Continuation Schools.*Assented to 14th April, 1908.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

2 Edw. VII.,
c. 41, s. 2,
repealed.

1. Section 2 of the Act passed in the second year of His Majesty's reign, Chaptered 41, intituled *An Act to amend the Separate Schools Act*, is hereby repealed.

Continuation
schools and
fifth classes.

1 Edw. VII.,
c. 39.

2. Subject to the Regulations of the Department of Education, the Separate School Board of any municipality, section or union section in which there is no high school shall have all the powers, duties and obligations conferred and imposed by *The Public Schools Act* and its amendments upon the public school corporation of any municipality, section or union section in which there is no high school, respecting the establishment and maintenance of continuation schools and fifth classes.

Qualification
of teachers in
continuation
schools.

1 Edw. VII.,
c. 39.

3. The qualification of teachers of continuation schools and fifth classes in connection with separate schools shall be determined, however, under subsection 5 of section 8 of *The Public Schools Act* as amended by 6 Edw. VII. c. 53, s. 4, as if the date therein mentioned were the 17th day of March, 1902, instead of the 15th day of April, 1901.

Maintenance
of continuation
schools and
fifth classes.

4. The county council shall pay for the maintenance of continuation schools and fifth classes in connection with separate schools within the county, a sum equal to the legislative grant appropriated by the Minister of Education for such schools and classes and any further sums the said council may deem expedient.

Regulations.

5. The Department of Education may make provision by Regulation for carrying out the intention of this Act of placing continuation schools and fifth classes in connection with public and separate schools on the same basis, except as herein otherwise provided.

CHAPTER 69.

An Act to amend the Act respecting Municipal
Houses of Refuge.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Act respecting Municipal Houses of Refuge*, passed in the third year of His Majesty's reign, Chaptered 38, and amended by section 25 of Chapter 13, passed in the fifth year of His Majesty's reign, is further amended by striking out the figures "1908" in aforesaid section 25 and inserting in lieu thereof the figures "1910."

3 Edw. VII.,
chap. 38,
s. 1, amended

CHAPTER 70.

An Act respecting The Village of Beamsville.

Assented to 14th April, 1908.

Preamble.

WHEREAS the Corporation of the Village of Beamsville has by petition represented that on the 18th day of September, A. D., 1884, the Council of the said Corporation passed a by-law, No. 49, empowering William Gibson, of said Village, contractor, to lay down a tramway track through certain streets in the said Village, for the purpose of transporting stone from his quarries to the Grand Trunk Railway Station, on certain conditions; and whereas by by-law No. 247 of the said Corporation, the said William Gibson was granted the right of way over certain other streets in order to allow the Hamilton, Grimsby & Beamsville Electric Railway Company to pass over a street then used by the said William Gibson; and whereas it is desirable to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Application of
6 Edw. VII, c.
30 and 31 to
tramway.

1. Notwithstanding anything contained in any by-law or agreement heretofore passed or entered into all the provisions of *The Ontario Railway Act, 1906*, and of *The Ontario Railway and Municipal Board Act, 1906*, so far as the same are applicable shall extend and apply to the tramway track of the said William Gibson in so far as the same is carried over, along or upon any street or highway in the Village of Beamsville except in so far as the said William Gibson may be relieved from any duty or liability imposed by the said Acts by any agreement heretofore entered into to which the Corporation of the Village of Beamsville is a party by which it was agreed that such duty or liability should rest upon any Corporation or person other than the said William Gibson.

CHAPTER 71.

An Act respecting the City of Brantford.

Assented to 14th April, 1908.

WHEREAS the Corporation of the City of Brantford Preamble. has by petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas the cost of sewers in the City of Brantford has been provided for heretofore by levying a uniform frontage rate of four cents per lineal foot during a period of forty years, under the provisions of Chapter 82 of the Acts passed in the fifty-third year of the reign of Her Majesty, Queen Victoria, and of Chapter 43 of the Acts passed in the fifth year of the reign of His Majesty King Edward VII., and the said sum has become, owing to the increased cost of labour and materials, insufficient to provide the cost thereof; and whereas the said Corporation of the City of Brantford has commenced the construction of a system of sanitary sewers in Eagle Place, West Brantford, and Holmedale, and a trunk sewer on Rawdon Street, and the erection of a pumping station, all in the said City of Brantford, and has with the assent of the electors raised and expended the sum of \$40,000 therefor under the provisions of By-law Number 900 of said Corporation, and it will require the sum of \$25,000 additional for the completion of the said works; and whereas no objections have been made to any of the by-laws referred to in Schedule "A" hereto, and no opposition has been offered to the confirmation thereof, and it is desirable that the said by-laws be confirmed; and whereas the said the Corporation of the City of Brantford is desirous of opening a tract of land within its limits for industrial purposes, by the construction of a railway spur line with sidings and switches within the limits of the east wards of the City of Brantford, and the adjoining portions of the Township of Brantford; and whereas it is necessary for the said the Corporation of the City of Brantford to construct bridges across the Canal at Alfred Street, and across the Holmedale Canal near the foot of Morrell Street; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Uniform front-
age tax for cost
of sewers.

1. Every owner of property which is drained into any of the main sewers which are constructed wholly at the expense of the City of Brantford, and every owner of property therein in front of which a sewer is constructed as a local improvement, shall pay a uniform frontage tax of not exceeding 99½ cents per foot frontage of the property so drained, to be assessed on each assessable foot of frontage property so drained. Such amount shall be paid in forty equal annual instalments of not exceeding six cents each per foot frontage, being a sum sufficient to pay both interest and sinking fund for that amount, and the said instalments shall be payable at the same time as ordinary taxes are payable in said city, but the City Treasurer may accept payment down of the amounts.

Application of
56 V., c. 82, and
5 Edw. VII.,
c. 43.

2. Subject to the provisions of section 1 hereof, Chapter 82 of the Act passed in the fifty-third year of the reign of Her Majesty Queen Victoria, and By-law Number 433 of the Corporation of the City of Brantford, contained in Schedule "C" to Chapter 43 of the Acts passed in the fifth year of the reign of His Majesty King Edward VII., shall apply to any sewer hereafter constructed.

Authority to
borrow \$25,000
to construct
certain sani-
tary sewers.

3. It shall be lawful for the Municipal Council of the Corporation of the City of Brantford to raise by way of debentures of the said municipality payable within thirty years the sum of \$25,000 for the completion of a system of sanitary sewers in Eagle Place, West Brantford and Holmedale, and a trunk sewer on Rawdon Street, and the erection of a pumping station, all in the said City of Brantford, and to pass the necessary by-law therefor, without submitting the same for the assent of the electors of the said City of Brantford.

Construction of
railway spur
line.

4. It shall be lawful for the Corporation of the City of Brantford, upon obtaining the assent of the electors to the issue of debentures to provide the cost thereof in accordance with the provisions of *The Consolidated Municipal Act, 1903*, respecting money by-laws, to construct, complete, equip and maintain a railway spur line, for manufacturing industries for freight purposes only, with sidings and switches, within the limits of the east wards of the said City of Brantford, and adjoining portions of the Township of Brantford and to enter into agreement with any railway company or companies for the construction, operation or use of the said spur line, sidings or switches, and with the consent of the said railway companies or any of them to unite or join with its railway or railways

railways, and to enter into agreement with the owners or occupants of lands adjoining or adjacent to the said spur line, sidings or switches, for the use thereof, upon terms to be agreed upon, or in case of disagreement, to be determined by the Ontario Railway and Municipal Board.

5. For the purposes aforesaid the said City of Brantford shall have the powers conferred on railway companies by *The Ontario Railway Act, 1906*, and the provisions of said Act shall apply to said railway.

Powers to acquire lands for spur line.

6. It shall be lawful for the Municipal Council of the Corporation of the City of Brantford to raise by way of debentures payable within thirty years the sum of \$5,000 for the construction of a bridge across the Canal at Alfred Street, and for the construction of a bridge across the Holmedale Canal near the foot of Morrell Street, and to pass the necessary by-law therefor without submitting the same for the assent of the electors.

Authority to borrow \$5,000 for construction of certain bridges

7. The by-laws of the Corporation of the City of Brantford specified in Schedule "A" hereto, and all debentures issued or to be issued thereunder, and all assessments made or to be made for the payment thereof, are hereby validated and confirmed.

By-laws specified in Schedule "A" confirmed.

8. The provisions of *The Consolidated Municipal Act, 1903*, in so far as they are not inconsistent with sections 3 and 6 of this Act shall apply to any by-law passed under the authority of the said sections.

Application of 3 Edw. VII., c. 19.

SCHEDULE "A."

| No. of by-law. | Nature of work under by-law. | When passed by Council. | Total cost of work. | Period of pay- ment. | Rate of interest. |
|-------------------|---|-------------------------------|------------------------|----------------------------|----------------------|
| | | | \$ | | % |
| 779 | To provide the means of ascer- taining what property will be immediately benefited by any proposed work or improvement, the expense of which is proposed to be assessed upon the real pro- perty benefited thereby, etc. | Nov. 9, 1903 | | | |
| 786 | Local Improvement Deben- tures, to provide for the construction of plank side- walks during the year 1903. | Jan. 11, 1904 | 259 00 | 8 years | |
| 787 | Local Improvement Deben- tures, to provide for the construction of cement side- walks during the year 1903. | Jan. 11, 1904 | 8,649 00 | 20 " | |
| 788 | Local Improvement Deben- tures to provide for the construction of sewers..... | Jan. 11, 1904 | 3,000 00 | 40 " | |
| 827 | Local Improvement Deben- tures, to provide for the construction of plank side- walks during the year 1904. | Mar. 20, 1905 | 149 00 | 8 " | |
| 828 | Local Improvement Deben- tures, to provide for the construction of cement side- walks during the year 1904. | Mar. 20, 1905 | 6,913 00 | 20 " | |
| 829 | Local Improvement Deben- tures, to provide for the construction of sewers..... | Mar. 20, 1905 | 7,194 00 | 40 " | |
| 870 | Local Improvement Deben- tures, to provide for the con- struction of sidewalks on Church street during the year 1905..... | Mar. 5, 1906 | 116 00 | 8 " | |
| 871 | Local Improvement Deben- tures, to provide for the construction of cement side- walks during the year 1905. | Mar. 5, 1906 | 12,199 00 | 20 " | |
| 872 | Local Improvement Deben- tures, to provide for the construction of sewers..... | Mar. 5, 1906 | 5,226 00 | 40 " | |
| 902 | Local Improvement Deben- tures, to provide for the construction of sewers..... | Dec. 17, 1906 | 10,600 00 | 40 " | |
| 903 | Local Improvement Deben- tures, to provide for the construction of cement side- walks during the year 1906. | Dec. 17, 1906 | 11,765 00 | 20 " | |
| 904 | Local Improvement Deben- tures, to provide for the construction of curbs during the year 1906..... | Dec. 17, 1906 | 470 00 | 10 " | |
| 941 | Local Improvement Deben- tures, to provide for the construction of a macadam pavement on Lorne avenue. | Dec. 23, 1907 | 785 00 | 10 " | |

SCHEDULE

SCHEDULE "A."—Continued.

| No. of by-law. | Nature of work under by-law. | When passed by Council. | Total cost of work. | Period of pay- ment. | Rate of interest. |
|-------------------|--|-------------------------------|------------------------|----------------------------|----------------------|
| | | | \$ | | % |
| 942 | Local Improvement Debentures, to provide for the construction of concrete walks during the year 1907 | Dec. 23, 1907 | 20,904 00 | 20 years | |
| 943 | Local Improvement Debentures, to provide for the issue of debentures to pay the Corporation's share of certain sidewalks | Dec. 23, 1907 | 1,124 00 | 20 " | |
| 944 | Local Improvement Debentures, to provide for the construction of sewers | Dec. 23, 1907 | 6,813 00 | 40 " | |
| 945 | Local Improvement Debentures, to provide for the construction of concrete curbs | Dec. 23, 1907 | 897 00 | 10 " | |

CHAPTER 72.

An Act respecting By-Law No. 4, for 1908, of the
Town of Clinton.*Assented to 14th April, 1908.*

Preamble.

WHEREAS the Municipal Corporation of the Town of Clinton by petition has represented that pursuant to By-law No. 7 for 1898, ratified by the Act passed at the first Session held in the 62nd year of the reign of Her late Majesty Chaptered 6, the said Corporation loaned to the firm of W. Doherty & Co., \$25,000, subject to the provisions of the agreement set out in Schedule "B" to the said Act; that a by-law intituled, "By-law No. 4 for 1908 of the Town of Clinton, a by-law to amend By-law No. 7 for 1898," set out in Schedule "A" to this Act was submitted to the qualified ratepayers of the said Town, on the 16th day of March, 1908, when out of 523 ratepayers entitled to vote, 349 voted in favor of and 40 against the said by-law; and whereas the said Corporation has by its petition prayed that the said By-law No. 4 be validated and confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority
to pass
By-Law No. 4,
for 1908.

1. The Municipal Corporation of the Town of Clinton may finally pass By-law No. 4 for 1908 set out in Schedule "A" to this Act, and from the date of the final passing thereof, the said by-law shall be legal, valid and binding upon the said Municipal Corporation, anything in *The Consolidated Municipal Act, 1903*, or in any other Act to the contrary notwithstanding.

Agreement
made in pur-
suance of
by-law con-
firmed.

2. Any agreement entered into by and between the W. Doherty Piano and Organ Company, Limited, and the Corporation of the Town of Clinton, pursuant to and in accordance with and within the limitations imposed by the said by-law shall be legal, valid and binding to all intents and purposes upon the parties thereto.

3. The provisions contained in any Act, which are or may be inconsistent with the provisions of this Act or any of them shall not apply to the said by-law or to the agreement to be executed thereunder or any act or thing done or executed in accordance with the terms and conditions and within the limitations in the said by-law set forth.

Inconsistent enactments not to apply.

4. The sum of \$5,000 to be repaid to the said Corporation by the said company shall forthwith after the receipt thereof be deposited to a special account in some chartered bank and shall be applied from time to time in paying the amount falling due annually for principal and interest on account of the debentures issued under By-law No. 7 for 1898, and the amount to be raised in any year for such purpose shall be reduced to the extent of the sum so applied.

Application of monies repaid by company.

SCHEDULE "A."

BY-LAW NO. 4 FOR 1908, OF THE TOWN OF CLINTON.

A By-law to amend By-law No. 7 for 1898.

Whereas under By-law No. 7, for 1898, the Corporation of the Town of Clinton loaned to the firm of W. Doherty & Co., the sum of \$25,000 for a period of 20 years, in accordance with an agreement dated the 7th day of June, 1898, made between the Corporation and the said firm, which is set forth in Schedule "B" to chapter 6 of the Statutes of Ontario, passed in the first session of the 62nd year of the reign of her late Majesty Queen Victoria, and by which the said firm agreed to carry on business for at least twenty years in accordance with the terms and subject to the limitations in the said agreement set forth;

And whereas it is deemed desirable to convert the said business into a Joint Stock Company, and a charter has been granted incorporating W. Doherty Piano and Organ Company, Limited, for the purpose of acquiring and continuing the business of the said firm;

And whereas, in effecting the aforesaid changes in the business, it is necessary that certain of the conditions and restrictions contained in aforesaid agreement should be cancelled in order to allow the sale of the properties of the firm to the said Company;

And whereas for the purpose of enabling the Company to acquire the business and properties of the said firm, the Corporation has agreed to cancel the said agreement and to effect a new arrangement, and accept an agreement with the said Company in lieu of such former agreement;

And whereas the amount of the whole rateable property of the Municipality, according to the last revised assessment roll is \$755,023.00;

And whereas the amount of the existing debenture debt of the municipality is \$76,517.68 and no principal or interest is in arrear;

Therefore the Municipal Corporation of the Town of Clinton, enacts as follows:—

1. It shall be lawful for the mayor of the said town and he is hereby authorized to cancel the said agreement, dated the seventh day of June, 1898, and to release the properties of the said firm from

from any and every lien or charge which may or might in any event be created or exist by reason of anything in the said agreement contained or expressed, which cancellation and release shall be effected by instrument in writing under the hand of the Mayor and the corporate seal of the said town.

2. But no such cancellation or release shall be executed unless and until the said Company shall have entered into an agreement with the Corporation in the terms following that is to say:

(a) That it will acquire the business of the said firm of W. Doherty & Co.

(b) That it will continue to operate the same at the Town of Clinton for the balance of the unexpired term of the said original agreement, employing and keeping continuously employed throughout the said term at the factory and working solely in connection with the manufacturing department of the said business an average of not less than one hundred employees, except in case of destruction of the works by fire, in which case a reasonable time, not exceeding eight months, shall be allowed to the Company to rebuild.

(c) That it will maintain insurance upon the said buildings and the plant and appurtenances, to an amount not less than \$50,000 and will permit the Mayor of the said Corporation freely to inspect the policies of insurance.

(d) That during the said unexpired term insurance upon the said building to the amount of at least \$10,000.00 shall be maintained by the Company for, and shall be assigned to the said Corporation, and the policies therefor deposited with the clerk of the said town, such insurance to be held by the Corporation in pledge for the due performance of the covenants and agreements of the Company; it being expressly understood that in event of moneys being received by the Corporation through destruction of the said buildings by fire, such moneys shall be repaid to the Company upon the re-erection and completion of the destroyed buildings.

(e) That it will not sell the said business to any party or parties who would remove the same from the said Town of Clinton.

(f) That in event of destruction of the factory or any substantial part thereof by fire, the said Company will proceed to rebuild the same within eight months after such fire.

3. That no such cancellation or release shall be executed unless and until the said Company shall have paid, or shall have caused to be paid to the said Corporation the sum of five thousand dollars in cash, which sum shall be accepted by the Corporation as, and shall be deemed to be in full satisfaction and discharge of the indebtedness of the said firm to the Corporation under paragraph numbered one (1) of the said agreement between the said firm and the Corporation and unless and until insurance to the amount of at least \$10,000.00 shall have been assigned to the Corporation and the policies therefor deposited with the Clerk of the said town.

4. That no such cancellation or release shall be executed unless and until there shall have been transferred to the Corporation shares of the capital stock of the Company of the par value of not less than fifteen thousand dollars and the certificates therefor deposited with the Clerk of the said town, such shares to be held by the Corporation as a pledge for the due carrying on of the said business for the said unexpired term of said agreement, the dividends on such shares to be payable to such person or persons as shall become entitled thereto by virtue of separate contract or arrangement between such person and the Company, except in case of breach of the contract between the Company and the Corporation, in which event the pledged shares and all profits thereafter to be earned thereon and all benefits to be thenceforth derived therefrom, shall be the property of the said Corporation absolutely, the corporation agreeing that at the expiration

tion of the said unexpired term, if in the meantime there shall not have been any such breach of contract as aforesaid, it will assign and transfer the said shares to such person or persons as the Company shall direct.

5. And no such cancellation or release shall be executed unless and until the subscribed capital stock of the said Company shall amount to not less than \$20,000.00 upon each and every share of which at least twenty-five per cent. shall have been paid in, such subscribed stock not to include any shares which may be allotted in payment or part payment for the business and properties of the said firm of W. Doherty & Co., and all payments for calls upon such stock to be vouched to the satisfaction of the council of the said Corporation.

6. This by-law shall not come into operation or take effect until an Act is passed by the Legislative Assembly of the Province of Ontario validating and confirming it.

7. The votes of the electors of the said Town of Clinton shall be taken on this by-law, on Monday, the 16th day of March, 1908, commencing at the hour of nine o'clock in the forenoon and continuing until the hour of five o'clock in the afternoon at the places and by the Deputy Returning Officers hereunder specified, namely:—

St. Andrews Ward at Town Hall, N. Robson, Deputy Returning Officer; E. Saville, Poll Clerk.

St. James Ward at Apple Evaporator, T. D. Johnson, Deputy Returning Officer; James Shepherd, Poll Clerk.

St. John's Ward at Rumball and McMath's Carriage Shop, John Ireland, Deputy Returning Officer; Geo. Potts, Poll Clerk.

St. George Ward at Leslie's Carriage Shop, S. J. Andrews, Deputy Returning Officer; Jno. Cuninghame, Poll Clerk.

8. On Saturday, the 14th day of March, 1908, at the hour of 11 o'clock in the forenoon, the Mayor of the said town shall attend at the council chamber, in the Town Hall of the said town to appoint persons to attend at the various polling places aforesaid, and at the final summing up of the votes by the Clerk respectively on behalf of the persons interested in and promoting or opposing this by-law.

9. The Clerk of the said town shall attend at the council chamber, in the Town Hall of the said town, at the hour of 11 o'clock in the forenoon, on Tuesday, the 17th day of March, 1908, to sum up the number of votes given for and against this by-law.

Dated at the council chamber, in the Town of Clinton, this 18th day of February, 1908.

H. WILTSE,
Mayor.

D. L. MACPHERSON,
Clerk.

CHAPTER 73.

An Act respecting The Town of Cobalt.

Assented to 14th April, 1908.

Preamble.

WHEREAS the Municipal Corporation of the Town of Cobalt has by petition represented that it is necessary in the interest of public health to construct a system of waterworks and a system of sewers in the said Town, and has prayed that authority be granted to borrow a sum not exceeding \$75,000 for such purpose; and whereas the Corporation of the Township of Coleman has by petition represented that a large number of the workmen in the mines in the said Township reside in the said Town and that it desires to assist the said Town by guaranteeing the debentures to be issued for the purposes aforesaid and has prayed that authority be granted to guarantee the said debentures; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to borrow \$75,000 for construction of waterworks and sewerage system.

1.—(1) The Corporation of the Town of Cobalt may after the same have been submitted to and received the assent of the ratepayers qualified to vote on money by-laws, pass by-laws to borrow sums not exceeding together \$75,000, for the purpose of constructing a system of waterworks, and a system of sewers, and for such purposes, or either of them, may issue debentures payable within ten years from the date of the issue thereof with interest thereon at a rate not exceeding six per cent. per annum payable half yearly.

(2) The said sum of \$75,000 shall be divided between the two purposes as the Council of the said Corporation may determine.

Debentures—how payable.

2. A portion of the said debentures shall be made payable in each year and so that the aggregate amount payable for principal and interest in any one year shall be equal

equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

3. The said Corporation of the Town of Cobalt shall levy in each year in addition to all other rates to be levied a special rate on all the rateable property in the said Town sufficient to pay the amount falling due annually for principal and interest in respect of the said debentures.

4.—(1) The said Corporation of the Township of Coleman after the same has been submitted to and received the assent of the ratepayers qualified to vote on money by-laws may pass a by-law to guarantee any debentures issued under the authority of this Act.

(2) The guarantee shall be endorsed or printed on each of the said debentures, and shall be signed by the reeve and treasurer under the Corporate seal in the following form:

This debenture is guaranteed by the Corporation of the Township of Coleman.

Dated the.....day of.....190 .

Reeve.

Treasurer.

(Seal.)

5.—(1) No irregularity in the form of the said debentures or of the guarantee or of any by-law authorizing the issue of the said debentures or the giving of the said guarantee shall render the same invalid or illegal, or be allowed as a defence to any action brought against either of the said Corporations for the recovery of the amount of the said debentures or interest or any or either of them or any part thereof.

(2) The purchaser or holder of the said debentures shall not be bound to inquire as to the necessity for the passing of any such by-law or of the issue of such debentures, or of the giving of such guarantee or as to the application of the proceeds of such debentures.

6. The said Corporation of the Town of Cobalt may issue and sell the said debentures and any by-law providing for the issue of the said debentures or the giving of the guarantee, when passed, and any debentures to be issued thereunder, when issued, or any guarantee thereof when given, shall be legal, valid and binding.

7. The provisions of *The Consolidated Municipal Act, 1903*, and of *The Municipal Waterworks Act*, which are applicable

Special rate.

Township of Coleman authorized to guarantee debentures.

Form of guarantee.

Irregularity in form not to invalidate.

Confirmation of by-laws and debentures.

Application of 3 Edw. VII., c. 19, and of Rev. Stat. c. 235.

applicable and which are not inconsistent with the provisions of this Act, shall apply to any by-law which may be passed and to any waterworks system or sewerage system which may be constructed under this Act.

Source of water
supply.

8. Notwithstanding anything contained in *The Municipal Waterworks Act*, the Corporation of the Town of Cobalt may obtain its water supply from any source which may be approved of by the Provincial Board of Health.

ation has prayed that an Act may be passed confirming and validating the said agreement set out in Schedule "A" hereto; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Agreement between Town of Collingwood and Collingwood Shipbuilding Co. confirmed.

1. Subject to section 2 of this Act, the agreement, excepting paragraph 3, bearing date the 13th day of May, A.D. 1907, and made between the Municipal Corporation of the Town of Collingwood and the Collingwood Shipbuilding Company, Limited, set forth as Schedule "A" to this Act is confirmed and declared legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof, notwithstanding any want of jurisdiction of the said Municipality to enter into such agreement and notwithstanding any defect in substance or in form of the said agreement or in the manner of entering into and executing the same and is also declared legal, valid and binding upon the said Collingwood Shipbuilding Company, Limited.

Company to be liable for local improvements.

2. Notwithstanding anything contained in the said agreement, the said Company shall be liable for local improvements in the same manner as though the said agreement had not been made.

Powers granted by 2 Edw. VII., c. 45, not affected.

3. Nothing in this Act contained shall be construed to affect any powers or rights which the said town or the said Company may have under the Act passed in the 2nd year of His Majesty's reign, Chaptered 45.

SCHEDULE A.

This Agreement made in triplicate, the thirteenth day of May, in the year of our Lord one thousand nine hundred and seven: Between The Municipal Corporation of the Town of Collingwood, hereinafter called "The Corporation" of the First Part, and The Collingwood Shipbuilding Company, Limited, hereinafter called "The Company," of the Second Part.

Whereas the Company have established within the Town of Collingwood, a large shipbuilding industry on the water front between Hurontario Street and the Grand Trunk Railway Wharf, and have been carrying on operations there for a number of years;

And whereas it has become absolutely necessary in order to meet the every-growing requirements of shipbuilding in the Dominion of Canada, that the said Company should very considerably extend its operations, increase the efficiency and output of its plant, and be in a position to build and launch longer and larger vessels than any they have hitherto built, besides carrying on the industry of repairing vessels which is growing continuously every year;

And whereas for purposes aforesaid it is necessary that the said Company should acquire more land along the water front, and that they should also construct a new and larger dry dock than the one they already have upon property contiguous to that at present owned and leased by the said Company;

And whereas the Corporation as the owner in fee simple of the land and of the land covered with water, which it is deemed necessary for the said Company to acquire for the purposes of extending and enlarging its operations aforesaid, and the said Corporation have agreed to convey the same to the said Company upon the terms and conditions herein set forth;

And whereas by an agreement made the thirtieth day of August, in the year of our Lord one thousand nine hundred and one, and made between the parties hereto, permission was given to the said Company to use the ship slip at the foot of Hurontario Street for the purpose of launching vessels or that they might convert the same into a dry dock for the purpose of their business;

Now therefore this Indenture witnesseth that the parties hereto do agree to and with each other as follows:

1. The said Corporation agrees that it will at once convey or cause to be conveyed in fee, simple free from all incumbrances to the said Company, all and singular those certain parcels or tracts of land and premises, and land covered with water, situated lying and being in the Town of Collingwood, in the County of Simcoe, and Province of Ontario, and being composed, *Firstly*, of that portion of the Wharf Reserve to the west of the prolongation of Hurontario Street as shewn on registered Plan No. 489; *Secondly*, Lots Nos. One, Two, Three, Four, Seventy-five and Seventy-six on the west side of said Reserve as shewn in said Plan. Also Lots Five, Six, Seven and Eight on the west side of Hurontario Street aforesaid, as laid out on said Plan; *Thirdly*, the easterly thirty-five feet of Lots Nos. One, Two, Three, Four, Five, Six, Seven, Eight, Seventy-five and Seventy-six and Seventy-seven on the east side of Pine Street as shewn on said Plan; *Fourthly*, the easterly portion of Manitou Street lying between the said above named lots and portions of lots hereby conveyed; *Fifthly*, all and singular that portion of Hurontario Street or prolongation thereof northerly from the northern boundary of the right of way of the Grand Trunk Railway, seven hundred and sixty-five feet more or less to the southerly boundary of the cement dock, being shewn on registered Plan No. 489.

The said land to be conveyed hereunder being more particularly described by metes and bounds as follows: Commencing at a point in the prolongation of the said Hurontario Street where it is intersected on its easterly boundary by the Grand Trunk Railway of Canada, thence northerly along the said eastern boundary of the said prolongation of Hurontario Street seven hundred and sixty-five feet more or less to the southerly boundary of the cement dock; thence westerly on a line drawn at right angles to the said easterly boundary of Hurontario Street two hundred feet from the westerly boundary of Hurontario Street, thence southerly in a straight line seven hundred and sixty-five feet more or less to the northerly boundary of the right of way of the Grand Trunk Railway, thence easterly along the northerly boundary of the said right of way two hundred and ninety-nine feet more or less to the place of beginning, which said land, and land covered with water, contains about five and one-half acres more or less saving and excepting thereout that portion of the old right of way of the said Grand Trunk Railway where such lands cross parts of Lots seven and eight on the west side of Hurontario Street.

2. The said Corporation further agree that they will cause to be passed by-laws, if considered necessary, closing up parts of any street or prolongation of the same that may be included in the land to be conveyed.

3. The said Corporation also agree that they will pass a by-law exempting the said property to be conveyed from ordinary municipal rates and taxes, except school taxes, and placing for the purpose of school taxation, the value of the said property so to be conveyed as aforesaid together with all the other property owned by the same Company within the municipality at the sum of twenty-five thousand dollars in compliance with the terms of a certain agreement, bearing date the thirtieth day of August, in the year of our Lord one thousand nine hundred and one, and made between the parties hereto.

4. The said Company agrees that it will provide at its own expense a good and sufficient roadway for teams down to the present town dock to the approval of the Harbor and Wharves Committees of the Municipal Council of the Town of Collingwood.

5. The said Company further covenant and agree that they will within ten years convert the said ship slip into a permanent stone or cement dry dock suitable for sufficiently building vessels of six hundred feet in length and will equip the same with all necessary plant and machinery for its proper operation.

6. The said Company further agree that, when they apply for, they will pay all local improvement rates that are now or may hereafter be imposed upon the said property, and will provide any fire protection which they may require at their own expense.

7. The said Company further agree that they will place all excavated material which may be taken from the ship slip in the process of converting it into a dry dock as aforesaid at such places and in such a manner between Maple and Hurontario Streets north of the right of way of the Grand Trunk Railway as the said Harbor and Wharves Committees may direct.

8. The said Company covenant and agree that they will connect with the present iron sewer which is on Hurontario Street, and continue the sewer through their own property with an iron pipe of the same dimensions as the one at present entering their property, and conduct the said sewerage into the harbor through an iron pipe; provided that the said Company may at any time divert or take the said sewerage from Hurontario Street in any direction they choose over their property so long as they deposited it properly in the harbor, subject to the approval of the harbor and wharves committee.

9. It is mutually agreed by and between the parties hereto that the conveyance of this land by the Corporation to the Company is made for the sole purpose of enabling the said Company to enlarge and extend its plant, and that the said land to be conveyed is to be used solely and only for the purposes of building, launching and repairing vessels, or for the purposes of the said Company as set out in their Charter of Incorporation or any amendments thereto, and in a certain agreement, bearing date the 30th day of August, A.D. 1901, and it is hereby mutually agreed that the Deed of Conveyance of the said land, and land covered with water, shall contain a clause of defeasance, that if the said ship slip is not converted into a dry dock as aforesaid within the time limited aforesaid, and if the land to be conveyed is not used for the purposes aforesaid, all except the ship slip, shall revert to and become the property again of the said Town of Collingwood, and the said Company will covenant and agree that they will do or cause to be done any act or acts which the said Corporation may consider necessary for the purpose of revesting the said property in the said Corporation aforesaid.

10. It is mutually agreed by and between the parties hereto that all mariners, and the public generally, shall have the free right to use the said ship slip until the same is converted into a dry dock as aforesaid, and to use the present roadway to the town dock until another suitable roadway is provided by the Company as aforesaid.

11. This agreement is to be ratified by the Legislature of the Province of Ontario at its next Session, upon the application of the Corporation, and the said Company hereby agree that they will pay all costs, charges and expenses incurred in ratifying the said agreement and any by-laws in connection therewith, and all costs, charges and expenses incidental to the making of this agreement or any by-laws in connection therewith.

In Witness whereof the parties hereto have hereunto affixed their Corporate Seals.

(Sgd.) DANIEL WILSON,
Mayor.

(Sgd.) J. H. DUNCAN,
Clerk.

(Corporate Seal.)

(Sgd.) ALEXANDER McDUGALL,
President.

(Seal.)

(Sgd.) SANFORD H. LINDSAY,
Sec'y.-Treas.

CHAPTER 75.

An Act to Confirm By-Law No. 37 of the Town of Cornwall for the year 1907.

Assented to 14th April, 1908.

Preamble.

WHEREAS the Corporation of the Town of Cornwall by petition has prayed that an Act may be passed validating and confirming a certain by-law being By-law No. 37 of the Town of Cornwall, for the year 1907, and a certain agreement made between the Town of Cornwall and Seth C. Nutter, which are fully set out in Schedules "A" and "B" respectively to this Act; and whereas the said by-law was unanimously passed by the Municipal Council and the said agreement was entered into on certain conditions which the said Town of Cornwall considers fair and favorable; and whereas no objection has been offered to the said petition; and whereas the said Seth C. Nutter has carried out the conditions of the agreement on his part; and whereas subject as is hereinafter provided it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 37 of Town of Cornwall and agreement with Seth C. Nutter confirmed.

1.—(1) By-law No. 37 of the Town of Cornwall together with the agreement therein referred to set out respectively as Schedules "A" and "B" to this Act, after the same have been submitted to and approved of by a majority of those actually voting of the ratepayers qualified to vote on money by-laws shall be legal, valid and binding on the said Town and the ratepayers thereof and on the said Seth C. Nutter.

Certain leaseholders entitled to vote.

(2) For the purposes of this Act a leaseholder the term of whose lease extends over the period of the "fixed assessment" shall, if otherwise qualified, be entitled to vote.

SCHEDULE

SCHEDULE "A."

BY-LAW NO. 37, OF THE TOWN OF CORNWALL, IN THE COUNTY OF
STORMONT, FOR THE YEAR 1907.

Being a by-law relating to Assessment and Taxation of the Property of the Seth C. Nutter Brewing Company, Limited, of the Town of Cornwall.

Whereas the Corporation of the Town of Cornwall did on or about the 28th day of March, A.D. 1907, enter into an agreement with Seth C. Nutter, of the City of Sherbrooke, in the Province of Quebec, by which agreement the said Seth C. Nutter or a Company to be incorporated was to establish a plant for the brewing of ale and other drinks in the Town of Cornwall.

And whereas one of the terms of the said agreement was that the Corporation of the Town of Cornwall would pass a by-law subject to ratification by the Legislature of Ontario, fixing the assessment (exclusive of business assessment and assessment for local improvements and school rates,) on all the lands, buildings, machinery and plant of the said brewing Company at ten thousand dollars for a period of ten years.

And whereas it was further agreed that the Corporation of the Town of Cornwall would fix the rate to be paid by the said brewing Company for water rates on a supply of water required for manufacturing and cleansing purposes solely in the operation of the said brewery, and not to exceed a daily average of five thousand gallons at a fixed charge of two hundred dollars per annum for the said period of ten years.

And whereas the said Seth C. Nutter has incorporated a Company under the laws of the Dominion of Canada, the Corporate name of which is "The Seth C. Nutter Brewery Company, Limited."

And whereas the said Company has established in the Town of Cornwall a plant of the value of at least one hundred thousand dollars, including the land, building, machinery and plant generally for the purpose of brewing ale or other drinks.

And whereas the said Seth C. Nutter or the Company incorporated by him has carried out the other terms of the said agreement in so far as possible, and any details of the said agreement that have not been yet carried out are in course of being carried out.

And whereas the Corporation of the Town of Cornwall are desirous of carrying out the Corporation's part of the agreement;

Therefore be it enacted, and it is hereby enacted a by-law of the Town of Cornwall as follows:

1. That the amount of assessment on all lands, buildings, machinery and plant of the said Seth C. Nutter Brewery Company, Limited, shall be fixed from year to year for a period of ten years at the sum of ten thousand dollars, but this amount is not to include the assessment for business assessment, nor assessment for local improvement or school rates.

2. That the Corporation of the Town of Cornwall will supply the water required for manufacturing and cleansing purposes solely, in the operation of the said brewery, and not to exceed a daily average of five thousand gallons at a fixed charge of two hundred dollars per annum for the said period of ten years.

3. That the said agreement entered into between Seth C. Nutter, of the City of Sherbrooke, in the Province of Quebec, and the Corporation of the Town of Cornwall, is hereby ratified and confirmed.

4. That this by-law shall come into force and take effect upon the confirmation of the same by the Legislature of the Province of Ontario.

Passed, signed and sealed in open council, this 16th day of December, A. D. 1907.

(Sgd.) A. McCracken,
Mayor.

(Sgd.) GEORGE A. JARVIS,
Town Clerk.

(Seal.)

SCHEDULE

SCHEDULE "B."

Memorandum of Agreement, made this 28th day of March, A.D. 1907, between S. C. Nutter, of the City of Sherbrooke, in the Province of Quebec, hereinafter called the party of the First Part, and the council of the Town of Cornwall, in the County of Stormont, hereinafter called the party of the Second Part.

Whereas it has been proposed between the parties hereto that the party of the First Part shall establish a plant for the brewing of ale or other drinks in the Town of Cornwall, and that the said council agree to pass a by-law when presented, subject to ratification by the Ontario Legislature, granting a fixed assessment of ten thousand dollars, exclusive of business assessment on said amount and assessments for local improvements, and also fixing the amount to be charged for water rates to the said S. C. Nutter for a period of the years according to the terms and conditions hereinafter set forth.

Now this Agreement Witnesseth, that the parties hereto in consideration of the terms, covenants and agreements hereinafter set forth have agreed each with the other as follows:

1. That the council of the said Corporation agree to pass a by-law subject to ratification by the Ontario Legislature, when presented, fixing the assessment of ten thousand dollars, but not including rates for local improvements or business assessment on said amount, for a period of ten years on all lands, buildings, machinery and plant of the said brewery to be established by the said S. C. Nutter for the purpose of carrying on business of brewing, and also for fixing the amount to be paid for water rates on the supply of water required for manufacturing and cleansing purposes, solely in the operation of the said brewery, and to exceed a daily average of five thousand gallons at a fixed charge of two hundred dollars per annum for the said period of ten years.

2. The council of the said Corporation have further agreed with as little delay as possible after the passing of the by-law to make application to the Legislative Assembly of the Province of Ontario, for an Act to validate and confirm the said by-law, all expenses in connection therewith to be paid by the party of the First Part.

3. The party of the First Part, his heirs and assigns covenants with the said council as follows:

(a) That the said S. C. Nutter shall establish in the Town of Cornwall, a brewery to be used for the purpose of brewing ale or other drinks, the land, building, machinery and plant generally of the said brewery shall be of the value of at least \$100,000.00.

(b) That the said S. C. Nutter or the Company to be incorporated shall commence the work of constructing the said plant on or before the first day of June, A.D. 1907, and continue until completion.

(c) That the said S. C. Nutter shall pay out in wages and salaries each year to persons employed in the brewery, the sum of at least \$15,000.00, commencing from the date of operation and exclusive of salaries paid non-resident salesmen and commercial travellers.

(d) That the said S. C. Nutter shall pay to the Corporation of the Town of Cornwall, the sum of \$200.00 each year as water rates for such supply of water as may be required for manufacturing and cleansing purposes solely in the operation of the said brewery not to exceed a daily average of five thousand gallons, at a fixed charge of two hundred dollars per annum.

(e) That the said S. C. Nutter will pay rates for local improvements and other rates mentioned herein.

(f) It is further agreed between the parties hereto that the Corporation shall instal a fire hydrant connected with the water system of the Town of Cornwall on the public street at a suitable distance from the Company's plant so as to give them fire protection, such hydrant to be located by the fire committee of the Town of Cornwall.

(g)

(g) It is further understood and agreed between the parties hereto that the said S. C. Nutter, or a Company to be organized for the purpose of brewing, shall establish the said brewing plant within at least 528 feet of the present water main.

(h) It is further understood and agreed between the parties hereto that the Corporation shall in no way be responsible to supply water, if for any cause whatever, the water works system of the Town of Cornwall should be temporarily out of repair.

(i) It is further understood and agreed between the parties hereto that all the terms of this Agreement shall apply to the said S. C. Nutter, his heirs and assigns.

The Memorandum of Agreement on preceding two pages attached hereto, and dated this 28th day of March, A. D. 1907, is our Agreement.

(Signed) J. C. MILLIGAN,
Attorney for S. C. NUTTER.

(Signed) A. McCRAKEN,
Mayor.

(Signed) GEO. B. C. JARVIS,
Clerk.

CHAPTER 76.

An Act confirming a certain By-law and Agreement
of the Town of Cornwall.*Assented to 14th April, 1908.*

Preamble.

WHEREAS The Canadian Colored Cotton Mills Company, Limited, and The Municipal Corporation of the Town of Cornwall by their petitions have prayed that an Act may be passed confirming a certain by-law of the Corporation of the Town of Cornwall, and a certain agreement made between the Corporation of the Town of Cornwall and The Canadian Colored Cotton Mills Company, Limited, which are fully set forth in Schedules "A" and "B" respectively to this Act, the said by-law and agreement fixing the assessment of certain properties of The Canadian Colored Cotton Mills Company, Limited, upon which the Municipal Corporation of the Town of Cornwall are to levy taxes for municipal, school purposes and business tax, for a period of ten years from the first day of January, A.D. 1909; and whereas the said by-law was unanimously passed by the Municipal Council of the Town of Cornwall, and the said agreement was entered into upon certain conditions which the said Town of Cornwall considered favorable; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 11,
of 1908, of Town
of Cornwall
confirmed.

1. Subject to the provisions of section 2, By-law Number Eleven of the Corporation of the Town of Cornwall, of the year 1908, together with the said agreement referred to in the said by-law, set out in full in Schedules "A" and "B" to this Act, are hereby confirmed and declared legal, valid and binding in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, anything contained in *The Assessment Act* or in any other Act to the contrary notwithstanding.

2.

2. Notwithstanding anything contained in the said by-law, the real estate, buildings and other property of the said Company shall for school purposes be assessed and liable to taxation as though the said by-law had not been passed.

Assessment
for school
purposes.

SCHEDULE "A."

BY-LAW.

By-law Number Eleven of the Corporation of the Town of Cornwall, in the County of Stormont, of the year 1908, for fixing the assessment upon the property of "The Canadian Colored Cotton Mills Company, Limited," in the Town of Cornwall, upon which the said Company are required to pay municipal, business and school taxes for a period of ten years from the first day of January, A.D. 1909.

Whereas the Corporation of the Town of Cornwall have entered into an agreement bearing even date herewith, with The Canadian Colored Cotton Mills Company, Limited, to fix the assessment on all the real estate, buildings, and other property immediately used or connected therewith belonging to the Company's mills or factories in the Town of Cornwall at \$275,000.00, inclusive of business assessment, for a period of ten years from the first day of January, A.D. 1909, upon the terms, provisions and conditions in said agreement contained;

And whereas it is necessary to authorize the Mayor and Clerk of the Corporation of the Town of Cornwall to execute the said agreement and attach the corporate seal thereto;

Be it therefore enacted a by-law of the Corporation of the Town of Cornwall, and it is hereby enacted that the Mayor and Clerk be and they are hereby authorized and empowered to sign, and seal with the corporate seal of the Town of Cornwall, the said agreement with The Canadian Colored Cotton Mills Company, Limited, bearing date the 23rd day of March, A.D. 1908;

And it is further enacted that the said agreement with The Canadian Colored Cotton Mills Company, Limited, shall not come into force or take effect until an Act is passed by the Legislature of the Province of Ontario ratifying, confirming and declaring legal and valid the said agreement, together with this by-law.

Passed, in open Council, signed and sealed, this 23rd day of March, A.D. 1908.

(Sgd.) W. J. DEROGHIE,
Mayor.

(Seal)

(Sgd.) GEORGE S. JARVIS,
Town Clerk.

SCHEDULE "B."

This agreement made this 23rd day of March, A.D. 1908, between the Corporation of the Town of Cornwall, in the County of Stormont, and Province of Ontario, hereinafter called The Corporation of the First Part, and The Canadian Colored Cotton Mills Company, Limited, a body corporate and politic, hereinafter called the Company, of the Second Part.

Whereas, under and in pursuance of an Act passed by the Legislative Assembly of the Province of Ontario, 62 Victoria, 1899, intituled *An Act Confirming a Certain By-law and Agreement of the Municipal Corporation of the Town of Cornwall*, the Legislature of

of the Province of Ontario declared a certain agreement entered into between the Corporation of the Town of Cornwall and The Canadian Colored Cotton Mills Company, and dated the tenth day of February, A.D. 1899, and a certain by-law, being by-law Number Ten of the year 1899, to be legal, valid and binding, notwithstanding any Act to the contrary;

And whereas under the terms of the said agreement and by-law the assessment of all the real estate, buildings, machinery and other property immediately used or connected therewith belonging to The Canadian Colored Cotton Mills Company situate in the Town of Cornwall, was fixed at \$250,000.00 for a period of ten years;

And whereas the period of said exemption expires on the first day of January, 1909;

And whereas The Canadian Colored Cotton Mills Company, Limited, have purchased property in the Town of Cornwall upon which they are likely to erect another mill within a short time, provided the business of the said Company warrants their erecting any further mills in the Province of Ontario;

And whereas The Canadian Colored Cotton Mills Company, Limited, are desirous of making additions in the way of machinery, and probably buildings, and have agreed to expend within the next four years the sum of at least one hundred thousand dollars in buildings or machinery, or both;

And whereas it is the desire of the Corporation of the Town of Cornwall to treat The Canadian Colored Cotton Mills Company, Limited, fairly, and in such a way as they will be induced in the event of their erection of any other mills in the Province of Ontario, to erect same in the Town of Cornwall;

And whereas The Canadian Colored Cotton Mills Company, Limited, have and by this agreement do covenant and agree to expend at least one hundred thousand dollars in buildings and additional machinery on their mills at present erected within a period of four years;

And whereas The Canadian Colored Cotton Mills Company, Limited, have agreed to the terms and conditions hereinafter set out in regard to the number of people to be employed, and also in regard to the time in each year which they will keep their mills running;

And whereas The Canadian Colored Cotton Mills Company, Limited have in all respects lived up to their agreement of the tenth day of February, A.D. 1899;

And whereas in consideration of the proposed additions to the Company's property, and the expenditure of the said sum of money, and the employment of the number of hands in the Company's mills or factories in the Town of Cornwall, hereinafter set out, and in view of the possibility of the Company erecting a new factory in the Town of Cornwall, the Corporation of the Town of Cornwall deem it advisable to extend the terms of the agreement of the tenth day of February, A.D. 1899, for a further period of ten years from the first day of January, A.D. 1909, as hereinafter set out, and to fix the amount of the assessment on which taxes are to be levied for municipal and school purposes on all the Company's real estate, buildings, machinery and other property immediately used or connected therewith, except and excluding therefrom all boarding houses, dwelling houses, or residences of managers or other employees of the Company in the Town of Cornwall at \$275,000.00.

Now this agreement witnesseth, that the Corporation of the Town of Cornwall hereby agrees to fix the assessment of all the real estate, buildings and other property, immediately used or connected therewith, belonging to the Company's mills or factories in the Town of Cornwall at \$275,000.00, said amount to include business assessment for a period of ten years from the first day of January, A.D. 1909.

And

And the Company agree with the Corporation of the Town of Cornwall that in consideration of the fixing of the assessment and taxes as aforesaid, they will expend the sum of one hundred thousand dollars in connection with their buildings, and additional machinery, and that the Company will commence the expenditure of the said sum of one hundred thousand dollars in two years from the date hereof, and complete such expenditure within four years from the first day of January, A.D. 1909.

And the Company agree with the Corporation of the Town of Cornwall that they will employ not less than nine hundred hands uniformly and continuously, and from day to day, while running for the said term of ten years in their mills or factories in the Town of Cornwall.

And the Company further agree with the Corporation of the town of Cornwall to run and operate each and all their factories in the Town of Cornwall to the full capacity of all and every department thereof during the said term of ten years, for not less than nine months in the aggregate in any consecutive period of twelve months, such months to be composed of twenty-six days of ten hours each, and such nine months to be exclusive of stoppages from any cause whatsoever.

But it is understood that a stoppage for alternate weeks or for alternate periods of any duration, or any other systematic reduction of running time or a stoppage for three months or a shorter period at the end of one year, and for three months or a shorter period at the beginning of the next year so as to make a longer stoppage than three months at any one time are all contrary to the terms of this agreement.

And the Company further agree with the Corporation that in the event of the Company making default in the running of their mills in Cornwall in accordance with the terms aforesaid, at any time during the said term of ten years, when and so often as such default shall happen, all the real estate, buildings and other property of the Company in the Town of Cornwall shall be assessed according to law, and be liable to taxation for the year in which such default happens, as if this agreement had not been entered into and no Act of the Provincial Legislature had been passed ratifying and validating same.

And it is further agreed between the said parties hereto that if the Company shall fail to run and operate each and all of their factories, and each and every department thereof, to their full capacity for less than eighteen months in any consecutive period of twenty-four months, or shall fail to expend the sum of one hundred thousand dollars within the time aforesaid, or fail to employ the said number of hands as aforesaid, then on the happening of any such event or default, this agreement shall be null and void, and the whole of the property of the Company in the Town of Cornwall shall be assessed and pay taxes according to the general law as if this agreement had not been made and no ratifying statute had been passed.

And it is further agreed between the parties hereto that this agreement shall not come into operation or take effect until an Act is passed by the Legislature of the Province of Ontario ratifying, confirming and declaring valid the same, together with a by-law of the Corporation authorizing the Mayor and Clerk of the Town of Cornwall to execute this agreement.

And it is further agreed, that wherever the word "Company" is used in this agreement, that the same shall be construed and taken to mean The Canadian Colored Cotton Mills Company, Limited, their successors, assigns and transferees.

And it is further understood and agreed, that this agreement does not in any way affect or refer to the mill of The Canadian Colored Cotton Mills Company, Limited, known as The Dundas Mill, which was formerly the property of The Cornwall Manufacturing Company.

In

In witness whereof, the Mayor and Clerk of the Corporation of the Town of Cornwall have hereunto subscribed their hands and affixed the corporate seal, and the President of The Canadian Colored Cotton Mills Company, has hereunto subscribed his name and affixed the Company's seal this 23rd day of March, A.D. 1908.

Signed, sealed and delivered
in the presence of

J. A. C. CAMERON.

(Sgd.) W. J. DEROCHIE,
Mayor.

(Sgd.) GEORGE S. JARVIS,
Town Clerk.

CHAPTER 77.

An Act to confirm By-law No. 12 for the year 1907
of the Township of Crowland.

Assented to 14th April, 1908.

WHEREAS the Municipal Corporation of the Township of Crowland has by petition represented that on the 5th day of August, 1907, the Council of the said Corporation passed the first and second readings of a by-law intituled "A By-law fixing the assessment of part of lot number twenty-three in the sixth concession of the Township of Crowland for a period of twenty years," which said by-law is set out in Schedule "A" to this Act; that the said by-law was duly submitted to the ratepayers of the said Township, as required by *The Consolidated Municipal Act, 1903*, with respect to bonuses to manufacturers, when out of 366 ratepayers entitled to vote 291 voted for and 2 against the by-law; that on the 30th day of September, 1907, the Council of the said Corporation caused the said by-law to be read a third time and finally passed the same; and whereas the said Corporation has by its said petition prayed that an Act my be passed to confirm and validate the said by-law; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law No. 12 for the year 1907 of the Municipal Corporation of the Township of Crowland, set out in Schedule "A" hereto, is confirmed and declared legal, valid and binding upon the said Corporation and the ratepayers thereof and upon all parties affected thereby, notwithstanding any want of jurisdiction on the part of the Council of said Municipality to pass said by-law and notwithstanding any defect in substance or form of the said by-law, or in the manner of passing the same.

By-law No. 12
of 1907 of the
Township of
Crowland
confirmed.

SCHEDULE A.

By-Law No. 12, A. D. 1907.

A By-law fixing the assessment of part of Lot Number Twenty-three in the Sixth Concession of the Township of Crowland, for a period of twenty years.

Whereas J. H. Bemis, Trustee of the City of Colorado Springs, in the State of Colorado, has signified his intention to erect a plant to manufacture bags and other cotton products in the Province of Ontario, and, if the assessment on the said proposed plant, equipment and lands hereinafter described is fixed by by-law at twenty thousand dollars for a period of twenty years, the said proposed plant will be erected in the said Township of Crowland, and

Whereas if the said plant is established in Crowland, a large number of hands will be employed, and the establishment of such plant will be of great benefit to the Township of Crowland;

Therefore, the Council of the Municipal Corporation of the Township of Crowland enacts as follows:—That the following land, being part of Lot Number Twenty-three in the Sixth Concession of the Township of Crowland, in the County of Welland, and described as follows, that is to say:—Being all that part of said Lot Number Twenty-three in the Sixth Concession of Crowland Township, lying north of the Canada Southern Railway lands and east of the Grand Trunk Railway lands, save and except a parcel out of the southeast corner of said lands, eight chains from south to north, by two chains; and fifty links from east to west, the land on which the assessment is to be fixed, containing eighty-eight acres more or less, and all buildings or erections that may be put thereon, for or in connection with manufacturing purposes, and all the plant, appliances, machinery, tools and other personal property used or placed on said property which may now be, or which may hereafter become liable to taxation by law shall be annually assessed for twenty years from the final passing of this by-law at the sum of twenty thousand dollars. for all municipal purposes except school taxes, but this exemption shall not include any part of said lands that may be hereafter during said twenty years used for residential purposes only.

That this by-law shall take effect on and after the final passing thereof.

That the votes of the ratepayers of the said Township of Crowland shall be taken on this by-law at the hour of nine o'clock in the forenoon, continuing until five o'clock in the afternoon of Friday, the 30th day of August, 1907, by the following persons as Deputy Returning Officers, and at the following places:—

Polling subdivision No. 1, Township Hall, H. L. Pratt, Deputy Returning Officer.

Polling subdivision No. 2, School Section No. 3, School House, William Hanna, Deputy Returning Officer.

Polling subdivision No. 3, School Section No. 6, Derby School House, Albert M. Young, Deputy Returning Officer.

That on the 23rd day of August, 1907, the Reeve shall attend at the Council Chamber, in the Township Hall, in the said Township of Crowland at 11 o'clock in the forenoon, and appoint, in writing signed by him, one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law, and two persons to attend at the final summing up of the votes by the Clerk of the municipality on behalf of the persons interested in and desirous of promoting and opposing the passing of this by-law.

That

That the Clerk of the municipality shall attend at the said Township Hall at the hour of eleven o'clock in the forenoon, on Monday, the 2nd day of September, 1907, to sum up the number of votes given for and against this by-law.

Read and passed a first and second time in Council this 5th day of August, 1907.

(Sgd.) AMACY MATTHEWS,
Reeve.

(Seal). (Sgd.) H. L. PRATT,
Clerk.

CHAPTER 78.

An Act to confirm certain By-laws of the Township of Crowland.

Assented to 14th April, 1908.

Preamble.

WHEREAS the Municipal Council of the Corporation of the Township of Crowland, in the County of Welland, has by its petition represented that by By-law No. 5, A.D. 1906, a copy of which is set out as Schedule "A" hereto, the said Township of Crowland did fix the assessment of the lands and premises therein described and the buildings, plant, appliances, machinery, tools and other personal property to be erected or placed thereon at an annual assessment of \$10,000 for a period of twenty years. to encourage the manufacture of iron and steel products; and that the votes of the electors of the said municipality were taken on the 2nd April, 1906, upon the said by-law and out of a total of 382 votes that might have been polled upon the said by-law, 318 votes were polled in favour of the said by-law, and no votes against the said by-law; and that the said by-law was finally passed by the said Municipal Council upon the 9th April, A.D. 1906; and the said petition further represents that the said lands and premises were duly conveyed by the trustee referred to in the said by-law to Ontario Iron and Steel Company, Limited; and that the said Ontario Iron and Steel Company, Limited, have erected upon the said lands large buildings and placed thereon a large and valuable plant for the manufacture of iron and steel products other than cast iron and wrought iron pipes; and that the said Ontario Iron and Steel Company, Limited, instead of itself engaging in the manufacture of cast iron and wrought iron pipes, conveyed a portion of the said lands which may be described as follows: A certain parcel or tract of land and premises situate, lying and being in the Township of Crowland, in the County of Welland, being composed of part of the north half of lot twenty-five in the seventh concession of the said Township of Crowland, commencing at a point in the west limit of lot twenty-five, which is eight hundred feet south from the northwest angle of said lot, then south along the

32a s.

western

western limit of said lot eight hundred and forty-seven feet, then east parallel to the north limit of said lot five hundred and sixty-five and seven-tenths feet, then parallel to the westerly limit of said lot eight hundred and forty-seven feet, and then west parallel with the northern limit of said lot five hundred and sixty-five and seven-tenths feet to the place of beginning, containing eleven acres of land, unto Page, Hershey Iron Tube and Lead Company, Limited, so that the latter company might engage in the manufacture thereon of a portion of the iron and steel products, the intent to manufacture which was recited in said By-law No. 5, A.D. 1906, to wit, cast iron and wrought iron pipes; and whereas in and by its said petition the said Municipal Council hath further represented that by By-law No. 14, A.D. 1907, a copy of which is set out as Schedule "B" hereto and dated the 13th August, A.D. 1907, the said Council did confirm the assessment fixed by the said By-law No. 5, A.D. 1906, notwithstanding the conveyance by Ontario Iron and Steel Company, Limited, to Page, Hershey Iron Tube and Lead Company, Limited, and did enact that the provisions of said By-law No. 5, A.D. 1906, should continue to apply to all the lands therein described, and the buildings, plant, appliances, machinery, tools and other personal property of both the said Companies on said lands which should then be or might hereafter during the currency of By-law No. 5, A.D. 1906, become liable to taxation by law; and the said petition further states that a doubt having arisen as to whether under said By-laws No. 5, A.D. 1906, and No. 14, A.D. 1907, the lands and other property aforesaid of both of the said Companies should be assessed at \$10,000, or the lands and other property of each of the said Companies should be assessed at \$10,000 that the said Companies did over their respective corporate seals acknowledge to the said Corporation on the 9th August, A.D. 1906, that the said Companies understood and interpreted the said by-laws to mean that the lands of each of the said Companies and the buildings, plant, appliances, machinery, tools and other personal property of each of the said Companies should be, during the currency of the said By-law No. 5, A.D. 1906, annually assessed at the sum of \$10,000 for all purposes except school taxes, and each of the said Companies did agree that such is the meaning and intent of the said by-laws; and whereas the said petition further represents that the said period for which the said assessment was fixed by the said first mentioned by-law may be longer than is contemplated by *The Municipal Act*, and for that and other reasons and the removal of all doubts as to the validity of the said by-laws, the said Council has prayed that an Act may be passed to confirm the said by-laws and the interpretation thereof as evidenced by the said acknowledgment and agreement of the said companies; and whereas no application has been made to quash or set aside the said by-laws; and whereas the said Companies

Companies have assented to the passing of this Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-laws No. 5
of 1906 and
No. 14 of 1907
confirmed.

1. By-laws Nos. 5, A.D. 1906, and 14, A.D. 1907, of the Municipality of the Township of Crowland, copies of which are set out in Schedules "A" and "B" hereto, are confirmed and declared to be legal, valid and binding, notwithstanding anything in any Act contained to the contrary.

Interpretation
of by-laws.

2. The interpretation of the said by-laws as set forth in the acknowledgment, a copy of which is attached hereto as Schedule "C," is declared to be the true intent, meaning and interpretation of the said by-laws and the said acknowledgment is declared to be legal and valid and binding on the said companies and on the said Municipal Corporation.

Assessment of
Ontario Iron
and Steel
Company and
Page, Hershey
Iron, Tube and
Lead Co.

3. From and after the passing of this Act and for and during the term of the said By-law No. 5, A.D. 1906, it shall be lawful for the Municipality of the Township of Crowland to assess that portion of the lands and premises described in said by-law and owned by Ontario Iron and Steel Company, Limited, and all buildings and erections that may be erected or made thereon for or in connection with the manufacturing purposes of said Company (except the buildings on those parts of said lands that may be used for residential purposes) and the plant, appliances, machinery, tools and other personal property of the said Company on said lands which may possibly become liable to taxation at the sum of ten thousand dollars per year for all purposes excepting school taxes, and assess that portion of said lands and premises owned by Page, Hershey Iron Tube and Lead Company, Limited, described in By-law No. 14, A.D. 1907, and all buildings and erections that may be erected or made thereon for or in connection with the manufacturing purposes of said Company (except the buildings on those parts of said lands that may be used for residential purposes) and the plant, appliances, machinery, tools and other personal property of the said Company on said lands which may possibly become liable to taxation at the sum of ten thousand dollars per year for all purposes excepting school taxes.

SCHEDULE "A."

BY-LAW No. 5, 1906.

A By-law fixing the Assessment of the Property in the Township of Crowland of David Muhlfelder, Trustee of an Iron and Steel Company for a period of years.

Whereas an iron and steel company intends to start the manufacture of iron pipes of all kinds and sizes in the Province of Ontario, and has through its trustee, the said David Muhlfelder, signified its intention of locating in the Township of Crowland, upon the lands hereinafter mentioned, if the said lands and the property of said Company thereon is assessed at \$10,000 a year for the next twenty years;

And whereas the said Company will erect on said lands a large plant, and employ a large number of hands, and pay out a large sum of money yearly in wages, and the effect of this will be to materially increase the population of the Township, enhance the value of real estate, and produce a greater revenue for the Township, and the circulation of a large sum of money yearly;

And whereas it is most desirable and greatly in the interest of the Township to encourage the location in said Township, and to promote manufacturing industries in general, and said Company in particular, to the benefit of everyone;

Wherefore the Municipal Council of the Corporation of the Township of Crowland enacts:—

1. That the lands of David Muhlfelder, trustee of a Company now or to be hereafter incorporated for the manufacture of iron and steel products in the Township of Crowland, in the County of Welland, being composed of part of lots numbers 25 and 26 in the seventh concession, more particularly described as follows:—

The north half of lot number 25 in the seventh concession of said Township containing an area of fifty acres, be the same more or less, and the northeast part of lot number 26 in the said concession described as follows:—

Commencing at a point in the east limits of said lot number 26, which is four chains and eight links south from the northeast angle of said lot; thence south along the east limits of said lot five hundred and thirty feet; thence west, parallel to the north limit of said lot seven hundred and sixty feet, more or less, to the easterly limit of the lands of the Department of Railways and Canals; thence northerly along said easterly limit of said lands five hundred and seventy-six feet, more or less, to the west limit of the school house lot; thence south thirty-eight feet to the south-west angle of the school house lot, and thence east four hundred and ninety feet, more or less, to the place of beginning, containing ten acres of land, more or less, and all buildings and erections that may be erected or made thereon for or in connection with the manufacturing purposes of said Company (except the buildings on and those parts of said lands that may be used for residential purposes), and the plant, appliances, machinery, tools, and other personal property of the said Company or its trustee in that behalf on said lands which may not now, but which may possibly become liable to taxation hereafter by law, shall be annually assessed for the next twenty years from the final passing of this by-law at the sum of ten thousand dollars (\$10,000.00), for all municipal purposes except school taxes.

2. That this by-law shall take effect on, from and after the final passing of this by-law.

3. That the votes of the electors and ratepayers of the said Township of Crowland shall be taken on this by-law at the hour of nine o'clock in the forenoon, continuing until five o'clock in the afternoon

afternoon, on Monday, the 2nd day of April, 1906, by the following persons as deputy returning officers, and at the following places:—

~ Polling Sub-division No. 1, Township Hall, and H. L. Pratt, Deputy Returning Officer.

Polling Sub-division No. 2, S. S. No. 3 School House, A. O. Seger, Deputy Returning Officer.

Polling Sub-division No. 3, S. S. No. 6 School House, Barnet Hill, Deputy Returning Officer.

4. That on Saturday, the 31st day of March, 1906, the reeve shall attend at the Council Chamber in the Township Hall, in said Township of Crowland, at eleven o'clock in the forenoon, and appoint in writing signed by him, one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law, and two persons to attend at the final summing up of the votes of the clerk of the municipality on behalf of the persons interested in and desirous of promoting or opposing the passing of this by-law.

5. That the clerk of the municipality shall attend at the said Township Hall, at the hour of eleven o'clock in the forenoon, on Tuesday, the 3rd day of April, 1906, to sum up the number of votes given for and against this by-law.

Read and passed a first and second time in council, this 26th day of February, A. D. 1906.

(Sgd.) AMACY MATHEWS,

Reeve.

(Sgd.) H. L. PRATT,

Clerk.

(Seal).

SCHEDULE "B."

BY-LAW No. 14, A. D. 1907.

A By-law confirming assessment of Lands, etc., fixed by By-Law No. 5, A. D. 1906, notwithstanding a conveyance of part of said Lands by Ontario Iron and Steel Company, Limited, to Page Hershey Iron Tube and Lead Company, Limited.

Whereas by By-law No. 5, A. D. 1906, the Municipal Council of the Township of Crowland did fix the assessment of the lands and premises therein described, at an annual assessment of ten thousand dollars (\$10,000), to encourage the manufacture of iron and steel products;

And whereas the said lands have been duly conveyed to Ontario Iron and Steel Company, Limited, by the trustee referred to in the said By-law No. 5, A. D. 1906;

And whereas the said Ontario Iron and Steel Company, Limited, has erected on said lands large buildings, and placed thereon a large and valuable amount of plant for the manufacture of iron and steel products other than cast iron and wrought iron pipes and has the power and right to erect on said lands further and other buildings, and place thereon further plant for the manufacture of such cast iron and wrought iron pipes, all of which said further buildings, plant and lands where placed would come within the terms and provisions of said By-law No. 5 as to fixed assessment;

And whereas the said Ontario Iron and Steel Company, Limited, instead of itself engaging in the manufacturing of cast iron and wrought iron pipes, desires that such pipes should be manufactured by

by Page Hershey Iron Tube and Lead Company, Limited, on a portion of the lands set out in said By-law No. 5, and described as follows:—

Being composed of part lot 25, which is 800 feet south from the northwest angle of said lot; thence south along the western limit of said lot 847 feet; then east parallel to the north limit of said lot 565 7-10 feet; then parallel to the westerly limit of said lot 847 feet; and then west parallel with the northern limit of said lot 565 7-10 feet to the place of beginning, containing eleven acres of land, which land has been conveyed to Page Hershey Iron Tube and Lead Company, Limited;

And whereas Page Hershey Iron Tube and Lead Company, Limited, is willing to undertake the manufacture of such cast iron and wrought iron pipes, and for the purpose (if and so soon as this by-law is passed), to erect necessary buildings on said herein described lands, and to place thereon all necessary machinery and plant, and to employ a large number of hands in their said works;

Therefore the Municipal Council of the Corporation of Crowland enacts:—

1. That notwithstanding the conveyance by Ontario Iron and Steel Company, Limited, to Page Hershey Iron Tube and Lead Company, Limited, the provisions of said By-law No. 5, A. D. 1906, shall continue to apply to all the lands therein described, and the plant, appliances, machinery, tools and other personal property of both the said companies on said lands, which are now or may hereafter, during the currency of said By-law No. 5, A. D. 1906, become liable to taxation by law.

Passed in council, this 13th day of August, 1907.

(Sgd.) AMACY MATHEWS,

Reeve.

(Sgd.) H. L. PRATT,

Clerk.

SCHEDULE "C."

AGREEMENT.

Whereas by By-law No. 5, A. D. 1906, of the Township of Crowland, the assessment of the lands and premises therein described, and the building, machinery and plant of the Ontario Iron and Steel Company, Limited, to be erected thereon was fixed at ten thousand dollars (\$10,000.00), for a period of twenty years;

And whereas the Ontario Iron and Steel Company, Limited, has conveyed a portion of the lands described in the said by-law unto Page Hershey Iron Tube and Lead Company, Limited, so that the latter Company may engage in the manufacture thereon of a portion of the iron and steel products, the intent to manufacture which was recited in the said By-law No. 5, A. D. 1906;

And whereas it is desired that a by-law should be passed by the Municipal Council of the Township of Crowland confirming the said By-law No. 5, A. D. 1906, notwithstanding the conveyance of the said portion of the said lands unto Page Hershey Iron Tube and Lead Company, Limited, for the purpose aforesaid;

Now, therefore, said Ontario Iron and Steel Company, Limited, and Page Hershey Iron Tube and Lead Company, Limited, by these presents evidence that the said Companies understand and interpret the said by-laws to mean that the lands of each of the said Companies, and the plant, appliances, machinery, tools and other personal property of each of the said Companies shall be, during the currency of the said By-law No. 5, A. D. 1906, annually assessed at the sum of ten thousand dollars (\$10,000.00), for all purposes

purposes except school taxes, and in consideration of the premises, each of the said Companies hereby agree that such is the meaning of the said by-law.

In witness whereof there is hereunto set the corporate seal of each of the said Companies, and the hands of the respective presidents and secretaries thereof, this 9th day of August, A. D. 1907.

Signed and Sealed.

PAGE HERSHEY IRON TUBE AND LEAD COMPANY, LIMITED.

(Sgd.) W. W. NEAR,

President.

PAGE HERSHEY IRON TUBE AND LEAD COMPANY, LIMITED.

(Sgd.) H. ROOKE,

(Seal).

Secretary-Treasurer.

Signed and Sealed.

ONTARIO IRON AND STEEL COMPANY, LIMITED.

(Sgd.) W. W. NEAR,

President

ONTARIO IRON TUBE AND LEAD COMPANY, LIMITED.

(Sgd.) H. ROOKE,

(Seal).

Secretary.

CHAPTER 79.

An Act respecting the Town of East Toronto.

Assented to 14th April, 1908.

WHEREAS the Municipal Corporation of the Town of East Toronto has by petition represented that it is desirable that the elections for Mayor, Reeves and Councillors of the said town should be held on New Year's day in each year; and that authority should be granted to invest certain moneys derived from the sale of debentures under By-law No. 40 in local debentures of the town, and that By-law No. 214, set out as Schedule "A" to this Act, should be confirmed and validated; and whereas the said Corporation has prayed that an Act may be passed for the said purposes; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The nominations for Mayor, Reeves, Councillors and Public School Trustees of the Town of East Toronto shall be held on the 22nd day of December in each year unless that day should be a Sunday, then on the following day, and the election for said offices shall be held on the 1st day of January following unless that day should be a Sunday, then on the following day.

Nominations for mayor, reeves, councillors, etc.

2. It is further enacted that the sum of \$16,500, raised by the said Corporation under By-law No. 40 and confirmed by Chapter 47 of the Acts passed in the fourth year of His Majesty's reign, for the purpose of loaning same to the Globe Furniture Company, Limited, may be invested by the said Corporation in the purchase of its own local improvement debentures, and said Corporation is hereby authorized and empowered to make such investment.

Purchase of local improvement debentures with moneys raised to loan to Globe Furniture Co.

3. By-law No. 214 of the Corporation of the Town of East Toronto, being the by-law set forth as Schedule "A" to this Act, and all debentures issued or to be issued thereunder

By-law No. 214 set out in Schedule "A" confirmed.

thereunder and all rates levied or to be levied for the payment thereof, are confirmed and declared to be legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof, notwithstanding any defect in substance or in form or in the manner of passing the same or otherwise and notwithstanding any want of authority or jurisdiction of the said Corporation or the Council thereof to pass the same.

SCHEDULE "A."

BY-LAW No. 214.

A By-law to authorize the borrowing of the sum of \$10,000 for water works purposes.

Whereas the Corporation of the Village of East Toronto, now the Corporation of the Town of East Toronto, heretofore constructed water works and a reservoir for storing water for the use of the said municipality, and raised the money to pay for the construction of the same by a general rate on the whole assessable property of the said corporation under a by-law lawfully passed;

And whereas the said corporation, on or about the 28th day of July, 1904, passed a By-law No. 49, for the purpose of installing pumping engines, pumps and other suitable plant and machinery, and to lay an intake main from Lake Ontario and raise the sum of \$55,000 by debentures as set out in said By-law No. 49;

And whereas the said intake main was duly laid but by reason of severe storms on Lake Ontario the said intake main was broken and misplaced, and was filled with sand and great expense was entailed in repairing and replacing the same;

And whereas the cost of installing the said engines, pumps, intake main and other plant (including the cost of repairing and replacing said intake main) has exceeded the estimate of \$55,000 as set out in said By-law No. 49 by the sum of \$10,000.00;

And whereas it will be necessary to borrow money to pay for the said shortage and to issue debentures of the said corporation for the sum of \$10,000.00 which is the amount of the debt intended to be created under this by-law;

And whereas it is desirable to make the principal of the said debt repayable by annual instalments during the period of thirty years next after the issue of the debentures therefor, such instalments of principal to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years;

And whereas it will be necessary to raise annually for the period of thirty years during the currency of the debentures to be issued hereunder by a special rate sufficient therefor on all the ratable property of the municipality, the sum of \$650.51, for paying the several instalments of principal and interest thereon at the rate of five per cent. per annum;

And whereas the amount of the whole rateable property of the said Town of East Toronto, according to the last revised assessment roll, being for the year 1907, is the sum of \$1,859,355.00;

And whereas the existing debenture debt of the said Town of East Toronto, exclusive of local improvement debenture debt secured by special assessments therefor, amounts to the sum of \$173,603.04, and no part of the principal or interest thereof is in arrear;

Therefore the Municipal Council of the Corporation of the Town of East Toronto, enacts as follows:—

1. It shall be lawful for the Mayor of the said town to borrow on the credit of the Corporation of the Town of East Toronto, the

sum

sum of \$10,000 to pay for the said outstanding liability, and for that purpose to issue debentures of the said municipality for the said sum of \$10,000 in sums of not less than \$100.00 each, which said debentures shall have coupons attached thereto for the payment of interest.

2. The said debentures shall bear interest at the rate of five per cent. per annum, payable yearly, and as to both principal and interest, may be payable in any place in Great Britain, or this Province, and may be expressed in sterling money or Canadian currency.

3. The Mayor of the said town shall sign and issue the said debentures, and the said coupons attached thereto, and shall cause the same to be signed by the Treasurer of the said municipality, and the Clerk of the said municipality, is hereby authorized and instructed to attach the corporate seal of the said municipality to the said debentures.

4. The said debentures shall be dated and issued within two years next after the passing of this by-law, and shall be payable in thirty annual instalments during the thirty years next after the day on which the same are issued, and the respective amounts of principal and interest payable in each of the said years shall be as follows:—

| Year | Principal | Interest | Total. |
|-------------|-----------|----------|----------|
| 1st. | \$150 51 | \$500 00 | \$650 51 |
| 2nd. | 158 04 | 492 47 | *650 51 |
| 3rd. | 165 94 | 484 57 | 650 51 |
| 4th. | 174 23 | 476 28 | 650 51 |
| 5th. | 182 95 | 467 56 | 650 51 |
| 6th. | 192 10 | 458 41 | 650 51 |
| 7th. | 201 70 | 448 81 | 650 51 |
| 8th. | 211 79 | 438 72 | 650 51 |
| 9th. | 222 38 | 428 13 | 650 51 |
| 10th. | 233 50 | 417 01 | 650 51 |
| 11th. | 245 17 | 405 34 | 650 51 |
| 12th. | 257 43 | 393 08 | 650 51 |
| 13th. | 270 30 | 380 21 | 650 51 |
| 14th. | 283 82 | 366 69 | 650 51 |
| 15th. | 298 00 | 352 51 | 650 51 |
| 16th. | 312 91 | 337 60 | 650 51 |
| 17th. | 328 55 | 321 96 | 650 51 |
| 18th. | 344 98 | 305 53 | 650 51 |
| 19th. | 362 23 | 288 28 | 650 51 |
| 20th. | 380 34 | 270 17 | 650 51 |
| 21st. | 399 36 | 251 15 | 650 51 |
| 22nd. | 419 33 | 231 18 | 650 51 |
| 23rd. | 440 29 | 210 22 | 650 51 |
| 24th. | 462 31 | 188 20 | 650 51 |
| 25th. | 485 42 | 165 09 | 650 51 |
| 26th. | 509 70 | 140 81 | 650 51 |
| 27th. | 535 19 | 115 32 | 650 51 |
| 28th. | 561 95 | 88 56 | 650 51 |
| 29th. | 590 04 | 60 47 | 650 51 |
| 30th. | 619 54 | 30 97 | 650 51 |
| <hr/> | | | |
| \$10,000 00 | | | |

5. For the purpose of paying the said instalments of principal and interest as the same become due respectively, the said sum of \$650.51 shall be levied and raised in each and every year during the said period of thirty years, the currency of the said debentures, by a special rate sufficient therefor over and above all other rates and taxes upon all the ratable property of the said municipality.

6. This by-law shall come into force and take effect on the day of the final passing thereof.

7. The votes of the electors of the said municipality qualified to vote on the present by-law shall be taken on Monday, the 6th day of January, 1908, commencing at 9 o'clock in the forenoon, and continuing until 5 o'clock in the afternoon at the following places within the said municipality:—

Ward No. 1, Polling Subdivision No. 1, at the Public School House on Pine Avenue.

Polling Subdivision No. 2, at the Fire Hall on Spruce Avenue.

Ward No. 2, Polling Subdivision No. 1, at W. H. Snell's Hall at the corner of Main and Gerrard Streets.

Polling Subdivision No. 2, at the Fire Hall on Main Street.

Polling Subdivision No. 3, at the Public School House on Kimberley Avenue.

Ward 3, Polling Subdivision No. 1, at W. H. Grant's Law Office on Main Street.

Polling Subdivision No. 2, at the Fire Hall on the Dawes Road. and the Deputy Returning Officers and Poll Clerks who shall act at the municipal elections shall be the Deputy Returning Officers and Poll Clerks respectively in taking the vote under this by-law.

8. On Thursday, the 2nd day of January, A.D. 1908, at the hour of ten o'clock in the forenoon, at the office of the Clerk of the said town on Main Street, the Mayor shall appoint, in writing, two persons to attend the final summing up of the votes by the Clerk, and one person to attend the poll at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and one person on behalf of the persons interested in and desirous of opposing the passing of this by-law.

9. The Clerk of the municipal council of the said town shall attend at his office on Main Street in the said town at 12 o'clock noon, on Tuesday, the 7th day of January, 1908, to sum up the number of votes given for and against this by-law.

Read the first time, November 25th, 1907.

Read the second time, December 9th, 1907.

Read the third time and finally passed January 27th, 1908.

(Sgd.) ANDREW McMILLIN,

Mayor.

(Sgd.) W. H. CLAY,

(L.S.)

Clerk.

CHAPTER 80.

An Act respecting the City of Fort William.

Assented to 14th April, 1908.

WHEREAS the Corporation of the City of Fort William has by petition represented that all tax sales of land situate in the said City, and all assessment and collector's rolls and collector's returns should be validated; that authority should be given to construct, equip, operate and maintain an electric street railway over, along and upon such highways and public places of the City as the Council may from time to time deem advisable, and to borrow the necessary money therefor; that a by-law of the said Corporation, intituled "A By-law to authorize the Corporation of the City of Fort William to enter into a certain agreement with the Fort William Car Company, Limited, and to raise the sum of fifty thousand dollars by way of debentures necessary to enable the City to carry out its part of the said agreement," and set out in Schedule "A" to this Act, with slight modifications, was submitted to the electors of the said City entitled to vote thereon on Monday, the sixth day of January, 1908; that prior to such voting the Fort William Car Company, Limited, entered into a supplementary agreement with the said City by which more favourable terms and conditions were conceded to the City than those contained in the agreement set forth in the above mentioned By-law, and the votes of the rate-payers were polled on such By-law upon the understanding that the agreement therein set forth should be amended as set forth in Schedule "A" to this Act; that out of 1,938 persons entitled to vote in respect of such By-law, 435 were non-residents, and out of a total of 1,041 votes polled in respect of such By-law, 765 were polled in favour thereof, and 191 against, and the balance were either spoiled ballots or not marked at all, and the said Corporation is desirous of being empowered to enter into an agreement with the Fort William Car Company, Limited, to the effect set forth in Schedule "A" hereto and to pass such By-law; and whereas the said Corporation by petition has further represented that it is in the interest of the said Corporation

Preamble.

tion

tion to build bridges over the Mission, McKellar and Kaministiquia Rivers; and whereas the said Corporation has by petition further represented that a by-law of the said City, intituled "A By-law to authorize the issue of debentures to the amount of \$68,000, for the purpose of acquiring certain lands in the City of Fort William" was submitted to the electors of the said City entitled to vote thereon on Wednesday, the tenth day of July, 1907, and that out of a total of 1,608 votes entitled to be polled in respect thereof, 877 votes were cast in favour of such By-law, and 207 votes against the same; and that authority should be granted to purchase certain lands in the City of Fort William from George A. Graham, for the purpose of a fair site, set forth as Parcel Number Three in the last mentioned By-law, and to issue debentures therefor; that it is desirable that the name of "The Fort William John McKellar Memorial General Hospital" should be changed and all doubts removed as to its power to issue bonds; that a plebiscite was submitted to the electors of the said City entitled to vote on money by-laws, on Monday, the sixth day of January, 1908, as to whether the City should guarantee a further bond issue of the said Hospital Corporation to the amount of \$45,000, and that out of 1,938 electors entitled to vote, 435 of whom were non-residents, 692 votes were cast in favour thereof, and 256 against; and whereas, owing to the recent financial stringency, the said Corporation has not been able to realize par value on debentures heretofore authorized, and it is desirable that authority should be granted to issue debentures to cover deficits so occasioned; and whereas the amount of the whole rateable property of the said City, according to the last revised assessment roll, is \$6,616,587, and the existing debenture debt of the said City, exclusive of local improvement debentures, is \$919,928.21; and whereas the said Corporation has by petition prayed for special legislation in respect of the above and all other matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Assessment
rolls and
collectors' rolls
validated.

1.—(1) All assessment rolls in respect of any land situate in the said City heretofore finally revised, all collectors' rolls in respect of any land situate in the said City heretofore returned by the collectors thereof, and all collectors' returns in respect of such lands heretofore made, are hereby validated and confirmed notwithstanding any irregularity, fault or omission in the said assessments, collectors' rolls or collectors' returns or in any matter or thing done or omitted to be done in relation thereto and notwithstanding anything contained in any Act or Acts
to

to the contrary. This section shall apply to all assessment rolls, collectors' rolls and collectors' returns of any municipality for the time being having jurisdiction over any lands now situated within the limits of the City of Fort William.

(2) All sales of land, now situate within the limits of the Corporation of the City of Fort William, made prior to the thirty-first day of December, 1905, and which purported to have been made by the municipality then having jurisdiction for arrears of taxes in respect of the lands so sold, are hereby validated and confirmed, and all deeds of the lands so sold, executed by the proper officers of the municipality then having jurisdiction, purporting to convey the said lands so sold to the purchaser thereof, or his assigns, are hereby validated and confirmed, and shall be deemed to have had the effect of vesting the lands so sold and conveyed or purported to have been sold and conveyed, and the same are hereby vested in the purchaser or his assigns and his and their heirs and assigns, in fee simple, free from and clear of and from all right, title, and interest whatsoever of the owners thereof at the time of such sale, or their assigns, and of all charges and encumbrances thereon and dower therein except taxes accrued since those for non-payment whereof the said lands were so sold. Tax sales and deeds confirmed.

(3) This section shall extend and apply to cases where the municipality having jurisdiction, or any one in trust for it or on its behalf, became the purchaser or grantee of any of such lands. Where City is purchaser.

(4) Nothing in this section contained shall affect any action, litigation or other proceeding now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and to the same extent as if this Act had not been passed. Pending litigation not affected.

2.—(1) The agreement set out in Schedule "B" to this Act is confirmed and declared to be legal, valid and binding upon the Corporation of the City of Port Arthur and the Corporation of the City of Fort William, and the ratepayers of each City, and the terms of the said agreement are hereby incorporated in and made part of this Act. Agreement set out in Sched. B confirmed.

(2) The Council of the Corporation of the City of Fort William is hereby empowered, without obtaining the assent of the ratepayers thereto, to borrow on the credit of the Corporation of the City of Fort William such a sum of money as may be required for the purpose of paying the amount fixed by the award of "The Ontario Railway and Municipal Board" to be paid by the Corporation of the City of Fort William to the Corporation of the City of Port Arthur Power to issue debentures for amount of award.

Arthur as set forth in the above in part recited agreement, and to issue debentures therefor, payable within thirty years from the date of the issue thereof and bearing interest at such rate as may be by by-law provided.

Power of city
on payment
of award.

(3) On payment of the amount fixed by the said award as and how "The Ontario Railway and Municipal Board" may order, the Corporation of the City of Fort William shall forthwith be entitled to the full peaceable and absolute ownership of that part of the Port Arthur Street Railway within the limits of the said City of Fort William, and the appurtenances thereof, and the property used in connection therewith covered by the award of the said Board; and all rights, powers and privileges of the City of Port Arthur to own, operate and maintain a street railway within the limits of the City of Fort William shall forthwith cease and determine, save as set forth in the said agreement.

Construction of
street railway.

(4) Upon payment by the Corporation of the City of Fort William of the amount of such award as aforesaid, the Corporation of the City of Fort William may from time to time construct, equip, maintain, complete and operate, and from time to time remove and change as required, a double or single track railway with the necessary switches, side tracks and turnouts, for the passage of cars, carriages and other vehicles adapted to the same, upon and along such of the highways and public places within the limits of the said City as the Council of the said City, with the assent of the ratepayers thereof, may from time to time deem advisable, and may take, transport and carry passengers and freight upon the same, by the force or power of electricity, and construct and maintain all necessary works, buildings, appliances and conveyances incidental thereto and connected therewith.

Issue of
debentures
authorized.

(5) The said Corporation is further empowered from time to time, with the assent of the ratepayers, to borrow on the credit of the Corporation such amounts as may from time to time be required for the purposes aforesaid, and to issue debentures of the said Corporation from time to time to cover such liability, payable within thirty years from the date of issue thereof, and bearing interest at such rate as may by by-law be provided.

General
powers.

(6) The Council of each of the Corporations of the Cities of Fort William and Port Arthur is hereby empowered and enabled to do all things necessary to carry out the true intent and meaning of the above in part recited agreement.

Ont. Ry. and
Mun. Bd. to be
arbitrator.

(7) The Ontario Railway and Municipal Board is hereby authorized and empowered to act as arbitrators as set forth in the above in part recited agreement.

3.—(1) Upon the Fort William Car Company, Limited, on or before the 1st day of January, 1909, furnishing satisfactory evidence to the Council of the Corporation of the City of Fort William that at least \$1,200,000 of the authorized bond issue of the Company have been *bona fide* sold and *bona fide* advances arranged for thereon; and upon the said Company on or before such date further satisfying the said Council that ten per centum of the authorized capital stock of such Company has been *bona fide* subscribed for and paid up in cash and the proceeds thereof deposited in some chartered bank in Canada to the credit of the said Company; and upon the said Company on or before such date securing two Canadian gentlemen to the satisfaction of the said Council of equal financial standing and reputation with Samuel Carsley and S. H. Ewing, mentioned in the preliminary agreement between the said City of the one part and Morrison, Sissons and Redpath & Company, of the other part, to become substantially interested in and directors of the said Company, then, and then only, the Council of the said Corporation shall be and is hereby authorized and empowered, without obtaining any further assent of the electors of the said City thereto, to pass and enact as a by-law of the said City the by-law set forth in Schedule "A" hereto, intituled "A by-law to authorize the Corporation of the City of Fort William to enter into a certain agreement with the Fort William Car Company, Limited, and to raise the sum of \$50,000 by way of debentures necessary to enable the said City to carry out its part of the said agreement;" and such by-law, when so passed, by said Council, shall be a valid, legal and existing by-law of the said City, and the debentures authorized to be issued thereunder shall, when issued, be valid and binding upon the said Corporation and the ratepayers thereof.

(2) Upon the passing of such by-law the said City shall be and it is hereby authorized and empowered to enter into the agreement with the Fort William Car Company, Limited, set forth in Schedule "A" hereto, and upon the execution thereof by the said City and the Fort William Car Company, Limited, the same shall be valid and binding upon the said parties, respectively, and their respective successors and assigns and also upon any bond holders, liquidator, receiver, corporation or person who may hereafter control or manage the works therein mentioned and all such persons, parties and corporations, shall, at all times, be bound to carry out the provisions of the said agreement.

(3) Upon the passing of such by-law by the said City, as aforesaid, the Council of the Corporation of the City of Fort William shall be and it is hereby vested with all powers and authority necessary to enable it to carry out all the provisions of the said agreement on the part of the said City to be observed and performed.

Construction of
bridges over
certain rivers.

4.—(1) The said Corporation is hereby empowered, with the assent of the electors qualified to vote on money by-laws, to erect, construct, operate and maintain, and from time to time to rebuild or replace one or more bridges over the Kaministiquia, Mission and McKellar Rivers, with the assent and approval of the Public Works Department of the Government of the Dominion of Canada, suitable for railway, highway and all other traffic and with the right to lease to any person, party or corporation the running rights over the railway tracks on any bridge so constructed and the approaches thereto, upon such terms as the said Corporation deems fit, and also with the right to charge and collect the tolls from any person, party or corporation desiring to use the said railway tracks on any of such bridges, and the approaches thereto, for the passage of trains or cars.

Tolls.

(2) The tolls to be charged by the said Corporation shall be according to a uniform scale of tolls, and all railways desiring to use the said railway tracks on any of such bridges and the approaches thereto shall be charged according to such scale without any discrimination or preference.

Raising money
for construction
of bridge.

(3) The said Corporation is hereby further empowered, with the assent of the electors qualified to vote on money by-laws, from time to time, to borrow such money on the credit of the said Corporation as may be required for the purposes hereof, and to issue debentures therefor, payable within forty years from the date of the issue thereof, bearing such interest as may be fixed by by-law.

Authority to
borrow \$10,000
to purchase
certain lands
from Geo. A.
Graham.

5.—(1) The Council of the said Corporation is hereby further empowered, without obtaining the assent of the ratepayers thereto, to purchase and acquire the following lands in the City of Fort William from George A. Graham, namely, bounded by William Street, Wiley Street and Northern Avenue, and to borrow not more than the sum of \$10,000 on the credit of the Corporation necessary therefor and to issue debentures of the said Corporation to the amount of \$10,000 payable within twenty years from the date of issue thereof and bearing interest at such rate per annum as the Council by by-law may fix.

Lands to be
used for fairs.

(2) The authority to purchase and acquire such lands is for the purpose of a fair site, and the said Corporation is hereby authorized and empowered to convey, assure or lease such lands to any Corporation for such purpose.

McKellar
General
Hospital.

6.—(1) The corporate name of "The Fort William John McKellar Memorial General Hospital" shall be and the same is hereby changed to that of "McKellar General Hospital," and such change shall not affect the rights or obligations

of such society, and all actions or proceedings commenced by or against such society prior to such change of name may be proceeded with by or against such society under its former name.

(2) The "McKellar General Hospital" shall be deemed to have at all times since the incorporation of "The Fort William John McKellar Memorial General Hospital" power from time to time to issue bonds and it is now empowered to issue bonds for any amount, payable within such time and bearing interest at such rate as may be fixed by such Hospital, secured by mortgage on the property of such Hospital, which may from time to time be required by such Hospital for hospital purposes.

Issue of bonds.

(3) The Council of the said Corporation is hereby empowered, without obtaining any further assent thereto, of the ratepayers of the said Corporation, to guarantee the principal and interest on any bonds of the "McKellar General Hospital," which may hereafter be issued up to the extent of \$45,000 in addition to the \$40,000 authorized by the Act passed in the seventh year of His Majesty's reign, Chaptered 66, and such guarantee may be endorsed on the face of such bonds under the corporate seal and the hands of the Mayor and Clerk of the City.

Power of City to guarantee bonds of hospital.

(4) The Council of the said Corporation is hereby empowered from time to time to aid the "McKellar General Hospital," with the assent of the ratepayers, by guaranteeing the principal and interest of any bonds of the said Hospital issued for hospital purposes, and the said Corporation is hereby empowered to take back from the said Hospital any security which it may deem advisable therefor.

Aid by way of guarantee of bonds.

7.—(1) The Council of the said Corporation is hereby empowered, with the assent of the electors qualified to vote on money by-laws, to pass a by-law to borrow on the credit of the said Corporation any amount not exceeding \$15,000 to make up deficits which have heretofore been occasioned by reason of the sale of any of the debentures of the said Corporation below par, and to issue debentures of the said Corporation therefor, payable within twenty years from the date of issue thereof, bearing interest at such rate as the Council may fix.

General power to borrow to make up deficiencies on sale of debentures.

8. It is hereby declared that the intent and meaning of section 25 of the Act passed in the seventh year of His Majesty's reign, Chaptered 66, is and always has been that where any common sewer is constructed wholly in one or more streets, lanes, highways or public places, or is constructed in part thereon, and in part or in whole in or through private property, the cost of the whole length of any such sewer in excess of the total amount assessable

Interpretation of 7 Edw. VII. c. 66, s. 25.

against

against the owners of property under section 20 of the said Act shall be borne by the City; and it is further declared that the Council of the said City may and always might, in addition to the issue of debentures authorized by the said section also and without obtaining the assent of the rate-payers thereto, pass a by-law or by-laws authorizing the issue of debentures payable within twenty-five years from the date thereof and bearing interest at such rate as the Council may determine on the security of the rates to be imposed as mentioned in section 20 of the said Act and further guaranteed by the municipality at large.

SCHEDULE "A."

A By-law to authorize the Corporation of the City of Fort William to enter into a certain agreement with The Fort William Car Company, Limited, and to raise the sum of fifty thousand dollars by way of debentures necessary to enable the City to carry out its part of the said agreement.

Whereas the Council of the Corporation of the City of Fort William are desirous of securing the establishment of a car works in the City of Fort William, upon the terms and conditions hereinafter set forth;

And whereas in order to enable the Corporation to carry out its part of the said agreement, it will be necessary to raise the sum of \$50,000 as therein provided;

And whereas the said sum of \$50,000 is the amount of the debt intended to be created hereby;

And whereas the amount of the whole rateable property of the said City of Fort William, according to the last revised assessment roll, is \$6,616,587.00;

And whereas the existing debenture debt of the said City, exclusive of the local improvement debentures, amounts to \$919,928.21, made up as follows:

| | |
|-------------------------------------|--------------|
| Waterworks debenture debt | \$370,500.00 |
| Electric light debenture debt | 114,000.00 |
| Telephone debenture debt | 47,000.00 |
| General debenture debt | 388,428.21 |

of which no part of the principal or interest is in arrear, and for the payment of which a sinking fund of \$155,241.48 has been provided;

And whereas in order to provide for the said debt it is expedient to issue debentures of the said Corporation to the amount of \$50,000, bearing interest at four and one-half per cent. per annum;

And whereas it will require the sum of \$2,250.00 to be raised annually for a period of 20 years, the currency of the debentures to be issued under and by virtue of this by-law, to pay the interest on the said debt, and the sum of \$1,860.78 to be raised annually during the said period for the payment of the said debt intended to be created by this by-law, such last mentioned sum being sufficient with the estimated interest on the investment thereof to discharge the said debt when the same becomes payable, making in all the sum of \$4,110.78 to be raised annually as aforesaid for the payment of the said debt and interest;

And whereas it will require the sum of \$4,110.78 to be raised annually for a period of 20 years by a special rate on the whole rateable property in the said city for the payment of the said debt and interest as aforesaid:

Therefore

Therefore the Corporation of the City of Fort William enacts as follows:—

1. It shall and may be lawful for the said Corporation and it is hereby empowered to enter into an agreement (which agreement forms part of this by-law), with The Fort William Car Company, Limited, to the effect set forth in Schedule "A" hereto, and the Mayor and Clerk for the time being of the said Corporation are hereby authorized to sign, seal with the corporate seal, execute and deliver the above in part recited agreement on behalf of the said Corporation.

2. It shall and may be lawful for the said Corporation and it is hereby empowered to borrow the said sum of \$50,000 on the credit of the said Corporation for the purposes aforesaid, and to issue debentures of the said Corporation to the amount of \$50,000 in sums of not less than \$100 each, payable within 20 years from the date of issuing such debentures and to bear interest at four and one-half per centum per annum, payable half-yearly on the first days of the months of February and August in each year respectively during the currency of the said debentures.

3. The said debentures shall bear date as of the day of issue thereof, shall be signed by the Mayor and Treasurer thereof and sealed with the corporate seal.

4. During the said period of 20 years (the currency of the debentures to be issued hereunder), there shall be raised and levied annually upon the whole rateable property in the said City of Fort William, in addition to all other rates, levies and assessments, the said sum of \$2,250.00 to pay the interest on the said debentures, and also the further sum of \$1,860.78 as a sinking fund for the payment of the said debt at the maturity thereof, making in all the said sum of \$4,110.78 to be raised annually as aforesaid.

5. The said debentures shall have attached thereto coupons for the payment of interest thereon and the said debentures as to principal and interest shall be payable at the office of the City Treasurer, Fort William, Ontario.

6. Every debenture to be issued hereunder shall contain a provision in the following words: "This debenture or any interest therein shall not, after a certificate of ownership has been endorsed thereon by the Treasurer of the Municipality, be transferable except by the Treasurer or his deputy in the Debenture Registry of the said Corporation, in the said City of Fort William," or to like effect.

7. This by-law shall come into force on the day of the final passing hereof.

8. That the votes of the electors of the said Municipality entitled to vote on this by-law shall be taken on Monday, the 6th day of January, 1908, and the polls shall be held at the same hour, on the same day, at the same places and by the same Deputy Returning Officers and Poll Clerks as the municipal elections for 1908 will be held.

9. That on Thursday, the 2nd day of January, 1908, at the hour of 10 o'clock in the forenoon, the Mayor of Fort William will attend at the office of the City Clerk for the purpose of appointing in writing, signed by himself, two persons to attend at the final summing up by the City Clerk of the votes polled on this by-law and also of appointing one person at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

10. That on Tuesday, the 7th day of January, 1908, at the hour of 10 o'clock in the forenoon at the offices of the Clerk of the City of Fort William, the Clerk of the said City will proceed to sum up the number of votes given for and against this by-law.

Given

Given under the corporate seal of the said City of Fort William as witnessed by the hands of its Mayor and Clerk this..... day of.....A.D. 1908.

.....
Mayor.

.....
Clerk.

Memorandum of agreement made in triplicate this day of in the year of our Lord one thousand nine hundred and eight, between the Corporation of the City of Fort William (hereinafter called the Corporation), of the first part, and Fort William Car Company, Limited (hereinafter called the Company), of the second part.

Whereas by an agreement made and entered into on the twenty-third day of October, 1907, between the said Corporation, per its Mayor and Solicitor, of the one part, and Albert H. Sissons, Ralph Waldo Morrison and Redpath and Company, of the other part, it was agreed that a Company should be incorporated with a Dominion charter to be known as the "Fort William Car Company, Limited," for the purpose of manufacturing in the City of Fort William, in the Province of Ontario, railway, freight and passenger cars and accessories, with a capital stock of not less than one million, five hundred thousand dollars (\$1,500,000.00), being one-half preferred and one-half common, and having an authorized bond issue of one million, five hundred thousand dollars (\$1,500,000.00);

And whereas it is agreed that the said Sissons and the said Morrison are each to be substantially interested in such Company so to be formed, and to be among the first directors of the said Company, and also S. H. Ewing and Samuel Carsley, of Montreal, or two other gentlemen of equal financial standing and reputation;

And whereas the said Company has been incorporated with an authorized capital stock of one million, five hundred thousand dollars (\$1,500,000.00);

And whereas ten (10) per centum of such authorized capital has been subscribed and paid for as provided by section 26 of *The Companies Act* of the Dominion of Canada;

Now therefore the said Corporation and the said Company mutually covenant, promise and agree, each with the other of them as follows:—

1. Three hundred thousand dollars (\$300,000.00) of the authorized bond issue of the said Company shall remain in the treasury for one year after the coming into force of this agreement, and one million, two hundred thousand dollars (\$1,200,000.00) thereof shall be disposed of for the purpose of erecting and equipping the plant hereinafter mentioned, acquiring a site therefor, operating the said plant, and carrying on the business of the said Company as herein provided. After the expiration of the said period of one year, the remaining three hundred thousand dollars (\$300,000.00) of the said bonds may be issued by the directors of the Company for the purposes of its business.

2. The Company is to have its head office and principal works at the City of Fort William, and is to do all its principal manufacturing and carry on all its principal business in the City of Fort William.

3. The Company is to acquire a good registered title in fee simple, free from encumbrances (save the bond issue) to the lands hereinafter mentioned, and to proceed within ninety (90) days after the coming into force of this agreement to erect thereon in the said City a plant for the purpose of manufacturing steam and electric freight and passenger cars, and to properly equip the same for such purpose. The said plant and equipment and other permanent improvements

improvements necessary therefor and used in connection therewith are to cost not less than five hundred thousand dollars (\$500,000.00), (not including the lands aforesaid) and are to have a capacity for manufacturing twenty-four (24) freight cars and one (1) passenger car per day, and the said plant and equipment are to be completed sufficient to permit of the manufacture of twenty-four (24) freight cars per day within eighteen (18) months of the coming into force of this agreement, and sufficient to manufacture one (1) passenger car per day within three (3) years from such date.

4. The Company is to operate the said plant within one year from such completion to a capacity of twenty-four (24) freight cars per day and to continue so to do thereafter during the currency of this agreement, and within two years from such completion the Company is to operate such plant so as to manufacture one passenger car per day, and to continue thereafter to so operate such plant during the currency of this agreement.

5. The currency of this agreement shall be during the period of twenty (20) years covered by the bonds upon which the interest is to be guaranteed by the Corporation, as hereinafter mentioned.

6. Notwithstanding anything herein contained the Company shall, in the completion and commencement of operation of such plant and equipment, be entitled to such further periods as they may have been delayed by reason of accidents, strikes and other matters beyond their control.

7. The Company agrees to have actually employed and engaged in such manufacture, in the City of Fort William, not less than five hundred (500) men by the end of the first year of such operation, with an increase of not less than two hundred and fifty (250) men by the end of each successive year thereafter until fifteen hundred (1,500) men are so employed, and the number of men so fixed to be employed by the end of each of the years aforesaid, shall be continuously employed for each succeeding year. Continuously shall mean an average of one hundred and seventy-five (175) days in each year.

8. All men engaged by the said Company or employed on the said works or employed by any contractor or sub-contractor in the erection or operation of such plant and works shall be paid in cash in the City of Fort William, or by cheque on some bank in the City of Fort William.

9. The Company is to increase the capacity of the plant and works above mentioned so as to be capable of manufacturing not less than sixty (60) freight cars and two (2) passenger cars per day as soon as the demand therefor will permit.

10. In consideration whereof the Corporation agrees to exempt all the Company's property in the City of Fort William in excess of one hundred thousand dollars (\$100,000.00) which may be used in connection with and solely for the purposes of such manufacture, including the raw material therefor and the products thereof, from all general taxation (including business and income tax, but excepting school taxes) of the said Corporation for so long of a period of ten years, commencing with the year 1909, as the said Company shall fully comply with the terms and conditions of this agreement as herein set forth. The intention being that the Company shall pay school taxes on the full assessable value of all its property in the City of Fort William.

11. Provided, however, that in case the said plant is not completed as aforesaid, the said Company shall forfeit all right to such exemption at the option of the Corporation.

12. Provided, further, that in case the said Company fail in any year during the said period of ten (10) years to operate the said plant as aforesaid, or to employ or keep employed the number of men aforesaid, then in each and every such case the said Company shall, at the option of the Corporation, forfeit its right to such exemption for the succeeding year, and in case the said Company

fail

fail to so operate the said plant and employ and keep employed the number of men aforesaid for a period of two (2) years, then the said Company shall, at the option of the Corporation, forfeit its right to such exemption altogether.

13. The Corporation further agrees to guarantee the interest not exceeding six (6) per centum per annum on six hundred thousand dollars (\$600,000.00) of the authorized bond issue of the Company, payable in twenty (20) years and to execute and deliver such guarantee as follows:—

(a) On one hundred thousand dollars (\$100,000.00) of such bonds when the said Company has a registered title in fee simple, free from all incumbrances (save such bond issue) to the lands herein-after mentioned, and has expended one hundred thousand dollars (\$100,000.00) in and towards the erection and equipment of such plant thereon.

(b) On one hundred thousand dollars (\$100,000.00) as soon as the Company has furnished substantial evidence to the Mayor and President of the Board of Trade of the said City for the time being, that it has expended the sum of two hundred thousand dollars (\$200,000.00) in the erection and equipment of such plant upon the site aforesaid.

(c) On one hundred thousand dollars (\$100,000.00) as soon as the Company has furnished substantial evidence to the Mayor and President of the Board of Trade of the said City for the time being, that it has expended the sum of three hundred thousand dollars (\$300,000.00) in the erection and equipment of such plant upon the site aforesaid.

(d) On one hundred thousand dollars (\$100,000.00) as soon as the Company has furnished substantial evidence to the Mayor and President of the Board of Trade of the said City for the time being, that it has expended the sum of four hundred thousand dollars (\$400,000.00) in the erection and equipment of such plant upon the site aforesaid.

(e) On two hundred thousand dollars (\$200,000.00) as soon as the Company has furnished substantial evidence to the Mayor and President of the Board of Trade of the said City for the time being, that it has expended the sum of five hundred thousand dollars (\$500,000.00) in the erection and equipment of such plant and permanent improvements upon the site aforesaid.

14. The proceeds of the total bond issue of the said Company are to be placed in the treasury of the said Company, and are to be used solely for the purposes of erection and equipment of the said plant, as aforesaid, for the acquiring of the site therefor, and for acquiring material for and the operation thereof, and carrying on the business of the Company as aforesaid.

15. The City is to contribute the sum of fifty thousand dollars (\$50,000.00) towards the cost of lands in the City of Fort William required for the Company's purposes as aforesaid, such lands not to be less however than forty (40) acres. Should the lands so acquired by the said Company not cost fifty thousand dollars (\$50,000.00), the Corporation is only to contribute the actual cost thereof. Such amount to be paid to the Company as soon as the said sum of five hundred thousand dollars (\$500,000.00) has been expended as aforesaid.

16. Provided, however, that upon payment of a sum of five hundred thousand dollars (\$500,000.00) by the said Company into a chartered bank in the City of Fort William to the joint credit of the said Company and the Mayor and President of the Board of Trade of the said City for the time being, to be used solely for the erection and equipment of the said plant and permanent improvements as aforesaid, the Corporation will forthwith execute and deliver its guarantee of such interest on the full six hundred thousand dollars (\$600,000.00) bond issue which the said Corporation is to guarantee as aforesaid. Such guarantee to be endorsed upon the bonds. The money so deposited to be checked out for the purposes

poses aforesaid by such parties, to the Company in one hundred thousand dollars (\$100,000.00) lots at the same time and upon the same conditions as the one hundred thousand dollars (\$100,000.00) lots of bonds were to be executed and delivered with the Corporation's guarantee under clause 13 hereof.

17. The Council of the said Corporation is to have the right from time to time, by resolution, to appoint one director of the said Company, which director the Company is to qualify with the necessary stock.

18. A deed of first mortgage and trust on all the property of the Company shall be executed in favor of the Royal Trust Company, or some other Trust Company doing business in the Dominion of Canada, mutually satisfactory to the Corporation and the parties of the second part, securing the total authorized bond issue of the Company and the interest thereon. The first year's interest on the bonds to be so guaranteed by the Corporation is to be deposited by the Company in advance with some chartered bank in the City of Fort William to the credit of the Trustee, and thereafter the interest on such guaranteed bonds is to be so deposited six months in advance.

19. A sinking fund of not less than two and one-half per centum (2½%) of the total bond issue sold shall be put by and paid to the Trustee out of the earnings of the Company before any dividends are paid, in each and every year, until the said bonds are fully paid off, which sinking fund shall be duly invested by the Trustees as received or employed in the reduction *pro tanto* of the bonds.

20. The Company is to set aside fifty per centum (50%) of its net earnings for the first three years of operation and place the same in the treasury as a rest or contingent fund, and not use the same in paying dividends.

21. If there should be any more than five hundred thousand dollars (\$500,000.00) realized from the sale of six hundred thousand dollars (\$600,000.00) of the bonds of the Company upon which the interest is to be guaranteed by the Corporation as hereinafter mentioned, then in such case any excess over the sum of five hundred thousand dollars so realized shall be expended in and towards the erection and equipment of the works in the said above in part recited agreement mentioned and raw material necessary for the operation thereof.

22. The site for the plant and works in the above agreement referred to shall be within the limits of the City of Fort William, lying east of Edward Street or Edward Street produced in a straight line north, to the north boundary of the City limits of Fort William.

23. If at any time the six hundred thousand dollars (\$600,000.00) of bonds of the Company, upon which the interest is to be guaranteed by the Corporation, can be or are negotiated at a lower rate of interest than six per centum (6%) per annum, the City's guarantee of interest shall only be for such lower rate.

24. Time to be strictly of the essence of this agreement.

In witness whereof the corporate seal of the said Corporation and the said Company respectively, and the hands of their proper officers in that behalf.

Signed, sealed and delivered,
in the presence of

SCHEDULE "B."

Memorandum of Agreement made this eleventh day of March, A.D. 1908, between The Corporation of the City of Port Arthur of the First Part and The Corporation of the City of Fort William of the Second Part.

The parties hereto have agreed each with the other that the Corporation of the City of Fort William shall acquire, and the Corporation

tion of the City of Port Arthur will sell all and singular all of that portion of the street railway, owned and operated, by Port Arthur within the limit of Fort William, one-half of the rolling stock owned by Port Arthur, and the accessories appurtenant thereto, as well as all rights to construct and operate railways in Fort William upon the following terms and conditions, that is to say:—

1. An arbitration shall be held to which the Corporations of the Cities of Fort William and Port Arthur shall be parties as provided for by section 9 of Schedule "A" in the Act passed in the fifty-sixth year of the reign of Her Late Majesty Queen Victoria, Chapter 78, except that such arbitration shall be held forthwith, or as soon as may be practicable after the passing of the Act validating this Agreement, instead of being held on or after the 1st day of December, 1913. Provided that in arriving at the sum to be paid by the City of Fort William to the City of Port Arthur, under the terms of the said section, such sum shall include the present value of the right which the City of Port Arthur previously to the making of this agreement had of operating the said street railway within the limits of the City of Fort William up to the 1st day of December, 1913, such value being based on the probable earnings of the said railway within the said limits of Fort William.

2. The said arbitration shall not be held before arbitrators as contemplated in said section 9 of the said Schedule, but shall be held by and before The Ontario Railway and Municipal Board, whose finding and award shall be final, binding and conclusive upon the parties to such arbitration.

3. On payment of the amount of the said award, as and how The Ontario Railway and Municipal Board may order, the City of Fort William shall forthwith be entitled to the full and peaceable ownership of the said railway within the limits of the said City of Fort William, and the appurtenances thereof, and the property used in connection therewith covered by the award of the said board; and all rights, powers and privileges of the City of Port Arthur to own, operate and maintain a street railway within the limits of the City of Fort William shall thereupon cease and determine, but subject to the provisions hereinafter made, and the Corporation of the City of Port Arthur agrees to make and deliver all necessary deeds, transfers and assignments necessary for such purposes.

4. The operation and management of the said street railway as it is now constructed and operated shall, until the 31st day of December, 1913, and no longer, be subject to the following conditions and regulations:—

(a) The said railway shall be managed by a board of five Commissioners, two of which shall be annually appointed by the Board of Commissioners of each city from among themselves, and the fifth to be appointed and selected by the Commissioners so appointed, and in the case of disagreement among the Commissioners so appointed, such fifth Commissioner to be appointed by The Ontario Railway and Municipal Board on the application of the Commissioners of either of the said cities.

(b) Each city shall be entitled to all fares collected from passengers boarding the cars within the limits of such city, and the Commissioners shall keep or cause to be kept books of account which shall keep separate such collections, and shall also keep separate and distinct the expenses of operating and maintaining the railway in each city, and the council of each Corporation shall be entitled to the net proceeds of the revenue earned as aforesaid within its limits after all proportionate expense has been deducted. In case of any disagreement arising from time to time as to the proper amount to be charged to either of the said cities, the matter from time to time in difference shall be submitted to The Ontario Railway and Municipal Board, whose direction and finding shall be final, binding and conclusive upon the parties.

(c)

(c) Transfers shall be given and accepted by each city to and over the system (including extensions within the city limits) of the other without charge.

(d) The Commissioners shall so arrange the traffic as to give a free and uninterrupted journey over the present system from end to end.

(e) The present rates of fares shall not be exceeded and as good if not better service shall be given.

(f) Port Arthur shall lay a double track of railway from Current River to the North Fort William boundary, and Fort William shall lay a double track of railway from said boundary to Edward Street. The said work shall be done simultaneously and completed without unnecessary delay.

(g) Each city shall own and maintain that part of the railway within its own limits, and shall keep the same in a due and proper state of efficiency and as may be from time to time ordered in case of dispute, by The Ontario Railway and Municipal Board.

(h) Port Arthur power to be used in operating the Fort William end of the railway so long as it is satisfactory and as cheap as any other available power.

5. Each city shall have the right to build and operate or to allow any other person, party or Corporation to build and operate any extensions within its own limits that such city may deem advisable, and all cars off of these extensions shall have the right to run over the present system as established in the city building or authorizing such extension on such terms as the said Commission may determine, or in case of disagreement, as may be fixed by The Ontario Railway and Municipal Board.

6. On and after the 31st day of December, 1913, each city may operate the railway within its own limits as and how the council thereof may determine, and may with the assent of the ratepayers thereof sell, lease or otherwise deal with such part of the railway or any portion thereof subject only to the following conditions:—

(a) That the present rates of fares shall not be exceeded until the 31st day of December, 1918.

(b) A through service of cars shall be given from the corner of Van Horne and Cumberland Streets in Port Arthur to the corner of Edward and Frederica Streets in Fort William, under regulations to be agreed upon, or in case of disagreement as may be fixed by The Ontario Railway and Municipal Board, until the 31st of December, 1918.

7. The parties hereto covenant and agree that Fort William shall apply for, and Port Arthur will assist in obtaining legislation confirming and legalizing this agreement.

THE CORPORATION OF THE CITY OF FORT WILLIAM,
per JAS. MURPHY,

Mayor.

G. A. MORTON,
Alderman.

F. R. MORRIS,
City Solicitor.

J. T. HORNE,
*President of the Board
of Trade.*

Witness:
H. L. DRAYTON.

THE CORPORATION OF THE CITY OF PORT ARTHUR.

per R. A. RUTTAN,
Alderman and Delegate.

H. B. DAWSON,
Alderman.

FRANK H. KEEFER,
City Solicitor.

W. P. COOK,
*Chairman,
E. L. & Ry. Commission.*

CHAPTER

CHAPTER 81.

An Act respecting the Floating Debt of the County of Frontenac.

Assented to 14th April, 1908.

Preamble.

WHEREAS the Corporation of the County of Frontenac has by its petition represented that the said Corporation has incurred a floating debt of about \$60,000, in addition to the ordinary expenses of the said County, in certain works and improvements of a necessary and permanent character; \$8,900 of the said debt having been incurred by the said Corporation in rebuilding the wall of the Gaol of the said County of Frontenac, and in improving the inside thereof; \$19,500 in remodelling the Court House of the said County and in improving the grounds around the same; \$2,000 in the arbitration concerning the purchase of the Kingston and Perth Road, and the costs thereof; \$7,000 in the purchase of the said Kingston and Perth Road; \$2,000 in the remodelling of the High School at Sydenham in the said County, and in the purchase of additional land for the same; \$17,000 in rebuilding the Loughborough Lake Bridge, between the Townships of Loughborough and Storrington in said County, and \$4,500 in rebuilding other bridges in said County; that no funds have been provided for the payment of the said debt; that the existing debenture debt of the said Corporation is \$35,000; and whereas the said Corporation has further represented that to liquidate the said floating debt forthwith in addition to meeting the ordinary necessary annual expenses would be unduly oppressive to the ratepayers of said County; and whereas it has been made to appear that the members of the Council of the said Corporation are in favour of the consolidation of the said debt; and whereas the said Corporation by its said petition has prayed that the said floating debt may be consolidated and that the said Corporation may issue debentures for the amount thereof; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent

consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said floating debt of the Corporation of the County of Frontenac is hereby consolidated at the said sum of \$60,000, and it shall and may be lawful for the said Corporation to raise by way of loan, on the credit of the debentures to be issued under the authority of this Act, from any person or persons or body corporate, the sum of \$60,000.

Floating debt consolidated.

2. It shall be lawful for the said Corporation to pass a by-law or by-laws providing for the issue of debentures under the Corporate Seal, signed by the Warden and Treasurer for the time being, in sums of not less than \$100 each, and not exceeding in the aggregate \$60,000, payable at such places as the Corporation may deem expedient.

Issue of debentures for \$60,000 authorized.

3. A portion of such debentures shall be made payable in each year, for a period not exceeding ten years from the date of the issue thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to the aggregate amount payable for principal and interest during each of the other years of the period within which this debt is to be discharged; such interest may be made payable by coupons to be attached to the said debentures, if the by-law so directs; and the said interest shall be payable at such rate not exceeding four and one-half per centum per annum as the said Corporation may direct, and shall be payable half yearly.

Term of debentures.

4. The said Corporation may for the purpose herein mentioned raise money by way of loan on the said debentures, or sell and dispose of the same as may be deemed expedient.

Hypothecation of debentures.

5. The said debentures and all moneys arising therefrom shall be applied by the said Corporation to the redemption of the said floating debt of \$60,000, and in no other manner and for no other purpose whatsoever.

Application of proceeds of debentures.

6. It shall not be necessary to obtain the assent of the ratepayers of the said County to the passing of any by-law or by-laws which shall be passed under the provisions of this Act or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*, and any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act shall not apply to the by-law or by-laws to be passed by the said Corporation under the provisions of this Act.

Assent of electors not required.

3 Edw. VII., c. 19.

7. No irregularity in the form of the said debentures or any of them, or of any by-law authorizing the issue thereof shall

Irregularity in form not to invalidate.

shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said Corporation for the recovery of the said debentures or interest or any part thereof; and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issuing debentures, or as to the application of the proceeds thereof.

By-law not to be repealed until debt satisfied.

8. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and interest thereon is fully paid and satisfied.

Special rate.

9. The said Corporation shall levy on all the rateable property in the said County, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect to the debentures authorized to be issued under this Act, to be called "The Consolidated Floating Debt Rate;" and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures or any of them.

Indebtedness of county not discharged.

10. Nothing in this Act contained shall be held or taken to discharge the Corporation of the County of Frontenac from any indebtedness or liability which may not be included in the indebtedness hereby consolidated.

Treasurer to keep proper books of account.

11. It shall be the duty of the Treasurer for the time being, of the said County to keep, and it shall be the duty of each of the members from time to time of the Council of the said Corporation to procure such Treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sale or negotiation of the said debentures, and the application which shall, from time to time, be made of the said amounts; and the said book of account and statement shall at all times, and at all reasonable hours, be open to the inspection of any ratepayer of the said County, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred or any of such debentures.

Short title of Act.

12. This Act may be cited as *The County of Frontenac Debenture Act, 1908.*

CHAPTER 82.

An Act to Confirm By-laws 20, 21 and 22 of 1907 of the Town of Goderich.

Assented to 14th April, 1908.

WHEREAS The Guelph and Goderich Railway Com- Preamble.
pany has by petition represented that the Municipal Corporation of the Town of Goderich has passed certain By-laws being Nos. 20, 21 and 22 for the purpose of stopping up and selling to the said Railway Company the parts of the roads in the said Town described in the said By-laws Nos. 20 and 21, set out in Schedule "A" and "B" hereto, and for opening up and establishing a road in the said Town by the extension of Water Lane, as described in said By-law No. 22, set out in Schedule "C" hereto; and whereas the works constructed and to be constructed by the said Railway Company are of great benefit to the said Town, and it is advisable that no question shall arise as to the validity of the said by-laws or any of them or of the agreements recited therein; and whereas the said Railway Company has by petition prayed that an Act may be passed to confirm the said by-laws and the agreements therein contained; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-laws Nos. 20, 21 and 22 of the Municipal Corporation of the Town of Goderich passed on the first day of November, 1907, set out in Schedules "A," "B" and "C" to this Act, and the agreements therein contained, are respectively confirmed and declared to be legal, valid and binding upon the said Town of Goderich, and the rate-payers thereof, and upon the said The Guelph and Goderich Railway Company.

By-laws Nos.
20, 21 and 22 of
town of Goder-
ich confirmed.

2. Nothing in this Act contained shall be construed to deprive the owners or occupiers of or other persons inter- Rights of cer-
tain persons to
compensation
not affected.
ested.

ested in any real property entered upon, taken or used or injuriously affected by the opening or closing of any street set out in the said by-laws of any right of compensation, to which they may be entitled under the provisions of *The Consolidated Municipal Act, 1903*.

SCHEDULE "A."

BY-LAW No. 20, 1907.

A By-law for Stopping up and Selling certain Roads in the said Town of Goderich.

Whereas the roads hereinafter described are for the most part from their situation impracticable as public ways, and have heretofore been little used for that purpose;

And whereas The Guelph and Goderich Railway Company, a Company whose undertaking is by Statute declared to be a work for the general advantage of Canada, have erected station house and freight and other sheds in the neighborhood thereof, and have constructed other ways of greater convenience to the public;

And whereas the said Railway Company has offered to purchase the said roads for the purposes of its undertaking for the sum of seven hundred dollars, and it is desirable that the said offer should be accepted, and that the said roads should be closed and conveyed to the Company;

And whereas due notice of the intention of the Council to pass this by-law has been given by the posting up of notice thereof in six of the most public places in the immediate neighborhood of the said lands for one month prior to the passage thereof, and by the publication of such notice for four successive weeks in the *Goderich Star*, a newspaper published in the said Town of Goderich;

And whereas the Council has heard in person or by counsel all persons whose lands may be prejudicially affected thereof who have petitioned to be heard, and all other persons, at the meeting of the Council on the 18th day of October, 1907, being the first meeting thereof after the expiration of one month from the date of giving notice;

And whereas the Council has arranged and provided for the use of all persons who may be excluded from ingress and egress by reason of this by-law to and from their lands or places of residence lying south of the lands and station grounds of The Guelph and Goderich Railway Company, a suitable and convenient road leading from Harbour Street along and through the lands of the said Guelph and Goderich Railway Company, and those occupied by the said Company along and by the roadway of the said Company from Harbour Street, extending through the southerly part of the station grounds and further west and southerly to that part of St. Christopher's Beach lying southerly of the railway lands;

Now, therefore, the Municipal Council of the Town of Goderich enact as follows:—

1. All those roadways situate within the said Town of Goderich, and which may be particularly described as follows:—

(a) All that portion of Ship Terrace lying between high water mark of Lake Huron and the westerly limit of Harbour Lane or such limit produced.

(b) All that portion of Water Lane lying between the southerly limit of Harbour Street and the northerly limit of Ship Terrace.

(c) All that portion of Beach Street, described as follows:—Commencing at the intersection of the westerly limit of Beach Street with the southerly limit of Ship Terrace, thence southwesterly along

along the westerly limit of Beach Street 242 feet to the limit of the land of The Guelph and Goderich Railway Company; thence north eighty-seven degrees twenty minutes east along last mentioned limit produced to the easterly limit of Beach Street; thence northerly along said easterly limit of Beach Street 195 feet to its intersection with the southerly limit of Ship Terrace; thence westerly 66 feet to the place of beginning.

(d) That portion of Harbour Lane lying south of Harbour Street described as follows:—Commencing at the intersection of the southerly limit of Harbour Street with the westerly limit of Harbour Lane, thence southwesterly along said westerly limit of Harbour Lane 155 feet; thence easterly 75 feet to the easterly limit of Harbour Lane; thence northerly along said easterly limit of Harbour Lane and said easterly limit produced one hundred feet; thence westerly forty feet to the place of beginning, are hereby stopped up and closed as public highways from and after the date hereof.

2. The said highways so stopped up and closed as aforesaid are hereby directed to be sold and conveyed to The Guelph and Goderich Railway Company for the consideration aforesaid, and the mayor and clerk of the Town of Goderich are hereby authorized and empowered to execute all proper conveyances in that behalf, and to affix the corporate seal thereto.

3. This by-law shall take effect on the day of the passing thereof.

Dated at the Council Chamber on the 1st day of November, A. D. 1907.

(Sgd.) JOSEPH ELLIOTT,
Mayor.

(Sgd.) M. O. JOHNSTON,
Town Clerk.

(Seal.)

SCHEDULE "B."

BY-LAW No. 21, 1907.

A By-law for Stopping up and Selling portion of Harbour Lane in the Town of Goderich.

Whereas The Guelph and Goderich Railway Company, in the course of construction of their railway line, will cross Harbour Street in the Town of Goderich, at or near the point where Harbour Lane enters thereon, and for the purpose of crossing the same have altered the grade of Harbour Street aforesaid, pursuant to the order of the Board of Railway Commissioners for Canada so that entry thereon from Harbour Lane will be difficult and inconvenient for the public using the same;

And whereas it is in the interest of the public that the said Harbour Lane, as hereinafter described, should be closed, and that a way should be substituted therefor;

And whereas the said The Guelph and Goderich Railway Company require the said portion of Harbour Lane, so to be closed as aforesaid, for the purposes of their railway, and in consideration of a conveyance thereof, have offered and agreed to pay all costs and expenses of closing the same and of opening and establishing the said way in lieu thereof, and all compensation required to be paid for the acquisition of the lands to be taken and used for such substituted way;

And whereas the Council of the said Corporation has agreed to sell and convey to the said The Guelph and Goderich Railway Company the said portion of Harbour Lane so to be closed as aforesaid upon the terms aforesaid;

And whereas by by-law finally passed on the date hereof, a way has been substituted for the road hereby closed by the extension of Water Lane in the manner therein set out;

And whereas due notice of the intention of the Council to pass this by-law has been given by the posting up of notice thereof in six of the most public places in the immediate neighbourhood of the said lands for one month prior to the passage thereof, and by the publication of such notice for four successive weeks in the *Goderich Star*, a newspaper published in the said Town of Goderich;

And whereas the Council has heard in person or by counsel all persons whose lands may be prejudicially affected thereby who have petitioned to be heard, and all other persons at the meeting of the Council on the 18th day of October, 1907, being the first meeting thereof after the expiration of one month from the date of giving notice.

Therefore the Municipal Council of the Corporation of the Town of Goderich enacts as follows:—

1. That portion of Harbour Lane in the said Town of Goderich, which may be described as follows:—All that part of Harbour Lane lying between the northerly limit of Harbour Street and the southerly limit of Harbour Quay is hereby stopped up and closed as a public highway from and after the date hereof.

2. The said portion of Harbour Lane so stopped up and closed is hereby directed to be sold and conveyed to The Guelph and Goderich Railway Company for the consideration aforesaid, and the mayor and clerk of the Town of Goderich are hereby authorized and empowered to execute all proper conveyances in that behalf, and to affix the corporate seal thereto.

This by-law shall take effect on the day of the passing thereof.

Dated at the Council Chamber on the 1st day of November, A. D. 1907.

(Sgd.) JOSEPH ELLIOTT,

Mayor.

(Sgd.) M. O. JOHNSTON,

Town Clerk.

(Seal).

SCHEDULE "C."

BY-LAW No. 22, 1907.

A By-law for Opening up and Establishing a Road in the Town of Goderich by the extension of Water Lane.

Whereas the Municipal Council of the Town of Goderich have, by by-law passed on the date hereof, closed all that part of Harbour Lane lying north of Harbour Street, for the reasons therein stated, and it is necessary and in the public interest to open up and establish in lieu thereof the roadway hereinafter described;

And whereas due notice of the intention of the Council to pass this by-law has been given by the posting up of notice thereof in six of the most public places in the immediate neighbourhood of the said lands for one month prior to the passage thereof, and by the publication of such notice for four successive weeks in the *Goderich Star*, a newspaper published in the said Town of Goderich;

And whereas the Council has heard in person or by counsel all persons whose lands may be prejudicially affected thereby who have petitioned to be heard, and all other persons at the meeting of the Council, on the 18th day of October, 1907, being the first meeting thereof after the expiration of one month from the date of giving notice;

Therefore the Municipal Council of the Corporation of the Town of Goderich enacts as follows:—

1. In lieu of the said road so closed up as aforesaid a public highway is hereby opened up and established, such public highway being particularly described as follows:—Lot number 1,035, as
34a s. shown

shown on a map or plan of the said Town of Goderich made by J. McDonald, Provincial Land Surveyor, dated 10th September, 1856, and registered in the registry office for the County of Huron; also part lot number 1,034, described as follows:—Commencing at the intersection of the westerly limit of Water Lane with the northerly limit of lot number 1,027, thence easterly at right angles to the westerly limit of Water Lane seventeen feet to the line between lots 1,034 and 1,035; thence northerly along said line ninety feet; thence southwesterly eighty-seven feet to the place of beginning, and the said lands so described are hereby declared to be a public highway and to constitute an extension of Water Lane in the said Town.

2. For the purposes of opening up the said highway the Corporation of the Town of Goderich shall by its officers, servants or agents, have the right to enter upon, break up, take and use the said lands in any way necessary or convenient for such purpose, and the compensation to be paid therefor shall be ascertained and assessed in the manner directed by *The Consolidated Municipal Act of 1903*, and amending Acts.

This by-law shall take effect on the day of the passing thereof.

Dated at the Council Chamber, Goderich, on the 1st day of November, A. D. 1907.

(Sgd.) JOSEPH ELLIOTT,
Mayor.

(Sgd.) M. O. JOHNSTON,
Town Clerk.

(Seal).

CHAPTER 83.

An Act respecting the City of Guelph.

Assented to 14th April, 1903.

Preamble.

WHEREAS the Corporation of the City of Guelph has by petition represented that the Council of the said Corporation on the 15th day of June, A. D. 1903, passed a certain By-law No. 463, to provide for the construction of sewers in the said City as local improvements, and by the said by-law provision was made that an equal frontage tax should be levied and collected by a special rate upon and against the properties abutting on sewers to be constructed, and upon the properties to be connected with sewers, whether abutting thereon or not, and that the said rate is an equitable rate for the said purpose; that the said Council did on the 15th day of June, 1903, pass a By-law No. 464, to provide for the construction of house sewer connections in the said City; that the said Council did on the 28th day of May, 1906, pass By-laws 564 and 565 for borrowing money by the issue of debentures secured by local special rates on the properties fronting or abutting on the several streets set forth in the said by-laws respectively for the construction of sewers on the said streets as local improvements; that the Council of the said Corporation on the 28th day of May, 1906, passed By-law 566 to provide for borrowing money by the issue of debentures secured by local special rates on certain property in the said City for house sewer connections; that the said Council on the 24th day of July, 1907, passed By-law No. 618 to provide for the construction of a pavement on Wyndham Street and St. George's Square, as a local improvement, and the said Council also passed By-law No. 633 on the 27th day of December, 1907, with respect to the construction of the said pavement on Wyndham Street and St. George's Square as a local improvement; that for the removal of doubts it is expedient that the said By-laws 618 and 633 should be confirmed and that the said By-laws 463, 464, 564, 565 and 566, should also be confirmed; and the said Corporation have also represented that it is expedient that provision be made that any other by-laws passed

or

or to be passed by the said Council in pursuance of the said By-laws 463 and 464, for the issue of debentures to pay for the works or improvements made or done under such by-laws respectively should be confirmed or declared to be valid, without submitting the same to a vote of the ratepayers, subject, however, to a proviso that all proceedings under the provisions of *The Municipal Act* relating to local improvements shall in all other respects extend and apply to any sewers, and the construction thereof, and to house sewer connections, and to the issue of debentures to pay therefor and all proceedings for any such purposes or connected therewith shall be the same as nearly as may be as provided in the said *Municipal Act* for local improvements in other cases; and the said Corporation has prayed that an Act may be passed to ratify and confirm the said by-laws, and for the purposes hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The by-laws of the Corporation of the City of Guelph specified in Schedule "A" hereto, are confirmed and declared to be legal, valid and binding.

By-laws specified in Schedule "A" confirmed.

2. The by-laws of the Corporation of the City of Guelph specified in Schedule "B" hereto, and all debentures issued or to be issued thereunder, or in pursuance thereof, and all assessments made or to be made for the payment thereof are confirmed and declared to be legal, valid and binding.

By-laws specified in Schedule "B" confirmed.

3. It shall be lawful for the Council of the Corporation of the said City of Guelph to pass by-laws for the issue of debentures to pay for works or improvements heretofore or hereafter made or done under the said By-laws 463 and 464 respectively, and such by-laws and all debentures issued thereunder and all assessments made for the payment thereof shall be valid, and it shall not be necessary to submit any such by-law to a vote of the ratepayers, provided always that the provisions of *The Consolidated Municipal Act, 1903*, relating to local improvements applicable to sewers shall in all other respects extend and apply to the construction of sewers under the said by-laws, and to the connection of private properties therewith, and to the issue of debentures to pay therefor, and all proceedings for any such purposes connected therewith shall be the same as nearly as may be as provided in the said Act for local improvements of the like nature.

Issue of debentures under By-laws 463 and 464.

Refund of
excess where
rates levied
more than
sufficient to
cover cost.

4. If it shall be found by the City Auditors as herein-after set forth that the rates levied upon assessable real property fronting or abutting upon sewers constructed as local improvements, or upon property drained by branch drains into such local sewers, both hereinafter called local sewers, by the several by-laws passed in respect of debentures issued for the sewers constructed in the years 1903, 1904, 1905 and 1906, and in a by-law to be passed in respect of the sewers constructed in 1907 are in excess of rates sufficient to pay the aggregate cost of the construction of all such local sewers, then such excess shall be refunded rateably to those by whom it has been or may hereafter be paid. Such cost to be conclusively ascertained by the present Auditors of the City of Guelph by taking the total expenditure by the City as shown by its books and documents for the construction of all the local sewers constructed in the said years 1903 to 1907 inclusive, including in such cost or expenditure the cost of constructing street intersections, flankages, sewers opposite exempt property, sewers opposite property belonging to the City or opposite parks or open places or the like and including the interest paid on the moneys temporarily borrowed for the construction of such local sewers and the interest on the said debentures and calculating the interest on sinking fund at 3 per cent. per annum, capitalized yearly, and apportioning such total cost so to be ascertained equally per foot frontage upon all the properties specially assessed for the construction of all the said local sewers, and in estimating the cost of such local sewers the expenditure by the City shall include amounts charged as expended for labour and salaries and for materials and the like, but shall not include anything for the salary of the regular city engineer or street foreman, and no part of the sum of \$51,634 set apart for the construction of a system of sewers and known as trunk or common sewers by section 7, chapter 53, of 1 Edw. VII., and the by-law passed in pursuance thereof shall be charged as such cost.

SCHEDULE "A."

Particulars of By-laws passed by the Council of the City of Guelph and referred to in section one.

| No. of By-Law. | Date. | Title. |
|-------------------|---------------------------|--|
| 463 | 15th June, 1903 | Respecting frontage assessment for sewers built as local improvements and to regulate street sewers. |
| 464 | 15th June, 1903 | Respecting the construction of house sewer connections. |

SCHEDULE "A."—*Continued.*

| No. of By-Law. | Date. | Title. |
|----------------|-------------------------|---|
| 618 | 24th July, 1907 | A By-Law to provide for the construction of a pavement on Wyndham Street and St. George's Square as a local improvement. |
| 633 | 27th December, 1907 ... | A By-Law with respect to the construction of a pavement on Wyndham Street and St. George's Square as a local improvement. |

SCHEDULE "B."

List of By-Laws providing for the issue of Debentures by the Council of the City of Guelph on the dates hereinafter mentioned and for the purposes hereinafter referred to:—

| No. of By-Law. | Date. | Nature of work under By-Law. | Amount of debt created. | Time. | Rate. |
|----------------|----------------|--|-------------------------|-----------|-------|
| 564 | 28th May. 1906 | A By-law for borrowing money by the issue of debentures secured by local special rates on the property fronting and abutting on the several streets as set out in Schedule "B" hereunto annexed, for the construction of sewers on said streets..... | 22,260 97 | 30 years. | 4 |
| 565 | 28th May. 1906 | A By-law for borrowing money by the issue of debentures secured by local special rates on the property fronting and abutting on the several streets as set out in Schedule "B" hereunto annexed, for the construction of sewers on said streets..... | 28,024 78 | 30 years. | 4 |
| 566 | 28th May. 1906 | A By-law to provide for borrowing money by the issue of debentures secured by local special rates on certain property in the City of Guelph, for house sewer connections..... | 12,075 29 | 14 years. | 4 |

CHAPTER 84.

An Act respecting the Old Burial Ground in the
Town of Hespeler.*Assented to 14th April, 1908.*

Preamble.

WHEREAS the Corporation of the Town of Hespeler in the County of Waterloo has by its petition represented that the land hereinafter described and known as the Old Burial Ground on Cooper Street in the said Town of Hespeler was in the year 1854 conveyed by one Michael Bergey to William Henry Abraham Panabaker and James Jackson as Trustees and their successors upon trust for the use and purposes of a Meeting House for all Christian denominations, and for a burial ground. The said land being described as being situated and being in New Hope, now the said Town of Hespeler, in the County of Waterloo, containing by admeasurement forty perches of land be the same more or less. Commencing at a post of Peter Laven's Lot on Cooper Street, New Hope, then south twenty-four degrees west two chains and fifty links more or less to a post, then north sixty-two degrees west one chain and eighteen links more or less to a post, then north forty-six degrees west two chains and twenty-five links more or less to Cooper Street, then south sixty-nine degrees east one chain and fifteen links more or less to the place of beginning; that there was and is a frame building on part of said land used by inhabitants of the said Town as a Meeting House in which several denominations of Christians held religious services; and that the greater portion of the said land was at one time used as burial ground, but for many years the land has ceased to be used as a burial ground. And that the said Corporation has provided another and more suitable burial ground or cemetery which is now used in place of the said Old Burial Ground; that the said Old Burial Ground which is situated in a central part of the Town is now entirely neglected and unsightly and is unfenced and lying in common; and that it is desirable that the said parcel of land should be closed as a burial ground and the bodies of the dead still lying therein should be

be removed therefrom and re-interred in the present cemetery belonging to the said Corporation; and whereas it is expedient that the said frame building shall, after the removal of the bodies from the land as hereinafter provided for, be moved from its present position to the easterly part of the said lands, such easterly part having a frontage on Cooper Street adjacent to the Lavens lot of 35 feet by 100 feet in depth, extending to the rear of the property forming a lot or parcel 35 feet by 100 feet of the said Burying Ground Lot, and that the building when so moved and the lot on which the same shall be placed shall be or remain vested in David Rife as surviving Trustee appointed under the said original trust deed and such other Trustees as may be appointed in the manner provided for in the said deed to hold such building when so removed and such easterly part of the said land under the trusts and for the purposes expressed in the said deed, a copy of which deed is set forth in the Schedule hereto, and it is expedient that the residue of the said property conveyed by said deed should be vested in the said Corporation of the Town of Hespeler, to be held and used by the said Corporation for any public purpose, or to be sold, leased, or otherwise disposed of as the Council of the said Corporation may by by-law or by-laws in that behalf from time to time determine; and whereas the said Corporation has prayed that an Act may be passed accordingly; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the Corporation of the Town of Hespeler after the removal as by this Act provided of the bodies interred in the parcel of land aforesaid, to have and to hold the said parcel of land excepting thereout the said easterly part thereof having a frontage on Cooper Street of 35 feet and a depth of 100 feet, and after the passing of this Act the said parcel of land, except as aforesaid, shall become and be and the same is hereby vested in the said Corporation and free of all the aforesaid trusts and the same shall be held or used by the said Corporation for any public purposes or be sold, leased or otherwise disposed of as the Council of the said Corporation may by any by-law or by-laws to be passed in that behalf from time to time determine, subject however to the right of way hereinafter mentioned.

Old Burial
Ground
declared
vested in town

2. The said Corporation is hereby authorized forthwith, after giving notice as hereinafter mentioned, and at its own expense, to remove from the said Old Burial Ground the remains

Authority to
remove bodies.

remains of the dead therein interred to the new cemetery or burial ground of the said Corporation at the sole cost of such Corporation, and to re-inter such remains decently and in order, and to re-erect any monument or headstone erected in the said Old Burial Ground at the time of such removal, and so far as reasonably may be, with a due regard to the wishes or desires of the relatives or friends of the deceased as to the manner of such removal and re-interment, and so as that such re-interment shall be in burial places or plots corresponding in size as nearly as may be with those from which such remains shall have been removed.

Notice to
relatives before
removal of
bodies.

3. The said Corporation shall, before removing the remains as aforesaid, give written notice to the relatives of the dead, when known, and during the period of one month publish a notice once in each week in the newspaper published in the said Town, stating their intention to remove the said remains upon a day to be named in the said notice, which day shall not be less than six weeks after the first publication of such notice, and the said Corporation shall be required to pay all reasonable expenses incurred or sustained by the relatives in the removal of said remains; and no further or other notice to the friends or relatives of the deceased shall be necessary.

Removal of
building to
Easterly part
of lands.

4. The said Corporation after the removal of the bodies from the said easterly part, being 35 feet by 100 feet of the said lands, shall within a reasonable time cause to be removed the said building on to such easterly part, placing the said building with its end facing Cooper Street, and shall cause it to be placed on the east side of the said lands close to the Lavens line on a stone foundation, such stone foundation to be at least two feet above the surrounding ground, and shall cause the said building to be put in as good condition as the same at present is, and thereafter the said easterly 35 feet by 100 feet of the said lands shall, with the building thereon, remain vested in David Rife, as surviving Trustee under the terms of the said original trust deed and such other Trustees as may be appointed in the manner provided for in the said deed upon and for the trusts and purposes set forth in the said deed. The number of Trustees specified in the said deed to be continued by appointment in the manner set forth in the said deed. And the said Corporation of the Town of Hespeler shall grant a right of way from Cooper Street to the rear of the lot over that portion thereof which lies immediately adjoining the westerly boundary of the said 35 feet, such right of way to be for the mutual use of all parties entitled to use the said 35 feet under the said deed, and of the said Corporation, and any person or persons claiming under it the residue of the said original lot.

5. Notwithstanding anything hereinbefore contained, the said building shall, both before and after removal, be deemed to be and be the property of the said trustee or trustees under and for the purposes of and trusts expressed in the said deed and the use thereof shall be under the control of the said trustee or trustees and shall not be interfered with by the said Corporation.

Building to be
property of
trustees.

SCHEDULE

This Indenture made the twenty-first day of January, one thousand eight hundred and fifty-four, in pursuance of the Act to facilitate the conveyance of real property. Between Michael Bergey, of the Township of Waterloo, in the County of Waterloo, Province of Canada, Yeoman, of the First Part, Susana Bergey, wife of the said Michael Bergey, of the Second Part, and William Henry, Abraham Pannabaker, James Jackson, of the same place of the Third Part.

Witnesseth that in consideration of the sum of fifty-five pounds of lawful money of Canada now paid by the said William Henry, Abraham Pannabaker and James Jackson, to the said Michael Bergey, the receipt whereof is hereby by him acknowledged he the said Michael Bergey, doth grant unto the said William Henry, Abraham Pannabaker, James Jackson as trustees and their successors forever, all and singular that certain parcel or tract of land situate lying and being in Newhope, in the Township of Waterloo, in the County of Waterloo, of the said Province containing by admeasurement forty perches be the same more or less. Commencing at a post of Peter Loven's lot and Cooper Street, Newhope then south twenty-four degrees, west two chains and fifty links more or less to a post then north sixty-two degrees, west one chain and eighteen links more or less to a post, then north twenty-six degrees, west two chains and twenty-five links more or less to Cooper Street; then south sixty-nine degrees, east one chain and fifteen links more or less to the place of beginning.

To have and to hold the same unto the said William Henry, Abraham Pannabaker, James Jackson to and for the sole use and behoof of the said William Henry, Abraham Pannabaker, James Jackson as trustees and their successors forever; the said Michael Bergey, covenants with the said William Henry, Abraham Pannabaker, James Jackson, that he has the right to convey the said lands to the said William Henry, Abraham Pannabaker, James Jackson, notwithstanding any Act of the said Michael Bergey, and that the said William Henry, Abraham Pannabaker, James Jackson as trustees, and their successors shall have quiet possession of the said lands, and the said Michael Bergey covenants with the said William Henry, Abraham Pannabaker, James Jackson, that he has done no act to encumber the said lands, and the said Michael Bergey releases to the said William Henry, Abraham Pannabaker, James Jackson, all his claims upon the said lands, and the said Susana Bergey, wife of the said Michael Bergey, hereby bars her dower in the said lands.

And this Indenture further witnesseth that the lands is to be kept for the sole use and purpose of a meeting house and burial ground, and in order to prevent the failure of such estate in succession that whenever it should happen that one or more of the trustees herein named shall die or shall become resident abroad or resign or become incapable of acting in the said trust, it shall and may be in the power of the nearest inhabitant householders to the said meeting house being free for all Christian Denominations upon public

public notice being put upon the door of the said meeting house at least twenty days to nominate and elect a fit and proper person or persons as trustee or trustees to fill the situation of the before mentioned trustees at a meeting to be held for that purpose which shall be carried by the majority of the householders then present.

And also that the trustees for the time being for the purpose aforesaid shall have full power at all times hereafter to make such rules and regulations as may be necessary for the due management of the said lands for the purpose aforesaid.

In witness whereof the said parties hereto have hereunto set their hands and seals.

Signed, sealed and delivered

In the presence of

ABRAHAM WAMBOLTZ.

(Sgd.) JOHN WANNER.

(Sgd.) MICHAEL BERGEY. (Seal.)

her

(Sgd.) SUSANA X BERGEY. (Seal.)

mark

(Sgd.) WILLIAM HENRY. (Seal.)

(Sgd.) ABRAHAM PANNABAKER. (Seal.)

(Sgd.) JAMES JACKSON. (Seal.)

CHAPTER 85.

An Act to confirm By-law No. 401 of the Township
of Humberstone.*Assented to 14th April, 1908.*

WHEREAS the Municipal Corporation of the Township of Humberstone has, by petition, represented that on the 1st day of November, A.D. 1907, the Council of the said Corporation passed the first and second readings of a By-law entitled "A By-law to grant The Canadian Portland Cement Company, Limited, and subsidiary companies, partial exemption from Municipal Taxation in the Township of Humberstone," which said By-law is set out in the Schedule to this Act; that the said By-law was duly submitted to the ratepayers of the said Township as required by *The Consolidated Municipal Act, 1903*, with respect to bonuses to manufacturers, and was duly approved of by more than two-thirds of all the ratepayers entitled to vote; that of said ratepayers 515 voted for said By-law and 12 voted against said By-law; that on the 2nd day of December, 1907, the Council of the said Corporation caused said By-law to be read a third time and finally passed the same; and whereas the said Corporation has, by its said petition, prayed that an Act may be passed to confirm and validate the said By-law; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subject to the provisions of section 2, By-law No. 401 of the Municipal Corporation of the Township of Humberstone, set forth in Schedule "A" to this Act, is confirmed and declared legal, valid and binding upon the said Corporation and the ratepayers thereof, and upon all parties affected thereby, notwithstanding any want of jurisdiction on the part of the Council of the said Municipality to pass said By-law, and notwithstanding any defect in substance or form of said By-law or in the manner of passing same.

2.

By-law No. 401
of Township of
Humberstone
confirmed.

Taxation for
school purposes
and local
improvements.

2. Notwithstanding anything in the said By-law the lands and property of the said Company shall be assessed for and shall be liable to taxation for school purposes and for local improvements as though the said By-law had not been passed.

SCHEDULE "A."

BY-LAW No. 401 OF THE MUNICIPALITY OF THE TOWNSHIP OF HUMBERSTONE.

A By-law to grant The Canadian Portland Cement Company, Limited, and subsidiary companies, partial exemption from Municipal Taxation in the Township of Humberstone.

Whereas The Canadian Portland Cement Company, Limited, has signified its intention to erect and to operate a plant for the manufacture of cement and other products in the Township of Humberstone, upon the lands hereinafter mentioned, upon condition that the said lands, plant and property of the said Company, and its subsidiary companies, shall be assessed at ten thousand dollars yearly for a period of twenty years;

And whereas The Niagara Peninsular Railway Company, a subsidiary Company of said The Canadian Portland Cement Company, Limited, proposes to build and operate a railway in the said Township of Humberstone, for use in connection with said plant;

And whereas there is no industry of a similar nature already established within the said Township of Humberstone;

And whereas, in consideration of the proposal of said Company to erect said plant and build said railway, it is deemed expedient to exempt in part from taxation the property of said Company, and of any subsidiary Company thereof, situate within the said Township of Humberstone, including all buildings and railway used in connection therewith, for the purpose of manufacturing Portland cement and other products within the limits of the said Township of Humberstone;

Therefore the Municipal Council of the Corporation of the Township of Humberstone, enacts as follows:—

1. The land of The Canadian Portland Cement Company, Limited, and all buildings, save and except all dwelling houses that may be owned by said Company, and from which a fixed rental is derived, that may be erected or placed on lots thirty, thirty-one and thirty-two in the first concession of the said Township of Humberstone, or on any other land situate in said township, not exceeding in all one hundred and twenty-five acres, for use in connection with the business of said Company, including the residence of the Superintendent, and also the plant, machinery, tools and other personal property of said Company, or any subsidiary Company thereof, whenever or however acquired, and also any railway, right of way or railway appliances owned by or used in connection with said Company, or any subsidiary Company thereof, shall altogether be assessed annually for the twenty years next after the final passing of this By-law at the sum of ten thousand dollars for all municipal purposes, except school taxes.

2. This By-law shall not come into force and take effect until it is confirmed and validated by Act of the Legislative Assembly of the Province of Ontario.

3. Upon the final passing of this By-law, and upon the same becoming valid and binding upon the Municipality of the said Township of Humberstone, By-law No. 389 of the Municipality of the Township of Humberstone, being a By-law to exempt in part from taxation the property of The Great Lakes Portland Cement Company, in the Township of Humberstone, shall be, and the same is hereby, from such date, repealed.

4. The votes of the electors of the said Township of Humberstone shall be taken on this By-law on the 27th day of November next, commencing at the hour of nine o'clock a.m., and continuing until five o'clock p.m. on the same day, by the following Returning Officers, and at the following places:

(1) At David Michael's old dwelling, lot 3, con. 1, at which polling sub-division the Deputy Returning Officer will be John J. Smith.

(2) At E. Michener, Wagon shop, lot 14, con. 2, at which polling sub-division the Deputy Returning Officer will be Jacob Miller.

(3) At Town Hall, at which polling subdivision the Deputy Returning Officer will be John J. Wichman.

(4) At Mrs. Fahrback store, lot 28, con. 2, at which polling sub-division the Deputy Returning Officer will be Arthur Furry.

(5) At School House, S. S. No. 4, at which polling subdivision the Deputy Returning Officer will be A. G. Scilly.

(6) At H. Cronmiller, Polling Booth, lot 15, con. 4, at which polling subdivision the Deputy Returning Officer will be Samuel Young.

(7) At School House, S. S. No. 9, at which polling subdivision the Deputy Returning Officer will be John H. Schneider.

Be it further enacted that the Clerk of the Council of the Municipality of the Township of Humberstone, shall attend at the Town Hall, at Humberstone, on Thursday, the 28th day of November, 1907, at the hour of twelve o'clock noon, to proceed to sum up the number of votes given for and against this By-law in accordance with the provisions of the statutes in that behalf.

Be it further enacted that the Reeve of the Municipality of the Township of Humberstone shall attend at the Town Hall, at Humberstone, on Wednesday, the 20th day of November, 1907, at the hour of 2 o'clock in the afternoon, for the purpose of appointing, and shall appoint in writing, signed by him, two persons to attend the final summing up of the votes given for and against this By-law, and for the purpose of appointing one person to attend at each polling place upon the day of the polling of the said votes on behalf of the persons interested in and desirous of promoting the passing of this By-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this By-law, which place and hour are hereby fixed for said purpose.

Read and passed in Council a first and second time this 1st day of November, A.D. 1907.

(Sgd.) E. W. FARES,
Reeve.

(Sgd.) A. E. NEAR,
Clerk.

Read a third time, and finally passed in Council this second day of December, A.D. 1907.

(Sgd.) E. W. FARES,
Reeve.

(Sgd.) A. E. NEAR,
Clerk.

(Seal.)

CHAPTER 86.

An Act to incorporate The Town of Keewatin.

Assented to 14th April, 1908.

Preamble.

WHEREAS the Municipal Corporation of the Township of Keewatin has by its petition represented that the said township contains an area of two miles square, at least one-half of which is water, and contains about seventeen hundred inhabitants, and that the population is rapidly increasing, and that by reason of such increase, and its rapidly increasing lumbering, milling and manufacturing industries, the said township is now and will continue to be an important manufacturing centre, and that the erection and incorporation of the said township into a town would tend to its advancement and prosperity; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Town of
Keewatin.
incorporated.

1. On and after the passing of this Act, the said Township of Keewatin shall be and is hereby incorporated as a town, and shall be known thereafter as "The Corporation of the Town of Keewatin," and shall enjoy and have all the rights, powers and privileges exercised and enjoyed by incorporated towns separated from counties in the Province of Ontario, except where otherwise provided by this Act.

Wards.

2. The said town shall be divided into three wards, to be called respectively "North," "East," and "West Wards." The North Ward shall comprise and consist of all land within the proposed Town of Keewatin lying north of Portage Bay, the Keewatin Lumbering and Manufacturing Company's Raceway, Mink Bay and the Canadian Pacific Railway Company's right of way. The East Ward shall comprise and consist of all the land within the said proposed town lying east of Ninth and Wharf Streets; and the West Ward shall comprise and consist of all the land within

within the said proposed town lying west of Ninth and Wharf Streets.

3. Except as otherwise provided by this Act, the provisions of *The Consolidated Municipal Act, 1903*, and of any Act amending the same with regard to matters consequent upon the formation of new corporations, shall apply to the said Town of Keewatin in the same manner as if the said township had been an incorporated village and had been erected into a town under the provisions of the said Act.

Application of
3 Edw. VII.
c. 19.

4. The present Reeve and Council of the said township shall be and continue to be the Mayor and Council of the said town, and shall hold office until the election of their successors, as provided by *The Municipal Act*, and shall exercise all the rights and powers, and perform all the duties pertaining to the Mayor and Council respectively of a town, and in the event of the death, resignation or disqualification of the said Reeve or any member of the said Council, the vacancies so created shall be filled in the manner provided in *The Municipal Act* in the case of such vacancies in towns.

Present reeve
and Council to
continue until
new election.

5. The Town of Keewatin shall in all matters whatsoever stand and be in the place and stead of the Township of Keewatin, and all property of every kind and all rights, interests, assets and effects, taxes, rates, dues, revenues, obligations and income, now belonging to or accruing due to or which may be assessed for by the said township, shall pass, belong to and be the rights, property, assets, effects, taxes, revenues and obligations of the Town of Keewatin; and in the assessment for and collection of all the aforesaid property and revenues of every kind, the Town of Keewatin shall have as full power in its name to assess for, demand, collect and receive the same as the said township could have, and the said town shall assume and hereby assumes all bills, duties, debentures and liabilities of all, any and every kind now due or contracted or accruing due, or for which the said township but for the passing of this Act would be liable, and the same may be collected and sued for, from and against the Town of Keewatin in precisely the same way except in the change of the name, as against the Township of Keewatin; and all acts, matters and things whatsoever which might be lawfully done by the Township of Keewatin and all matters begun or initiated by the said township, may be completed by the said town, the meaning and intention hereof being that in all matters and things the said town shall be and stand in the place of the said township.

Town to stand
in place of
township.

6. The officers and servants of the said township shall until superseded in or removed from office, by the Council of the said town, remain the officers and servants of the said town.

Officers of
township to
continue as
officers of town.

Last revised
assessment roll
and voters' list
of township to
apply to town.

7. The last revised assessment roll and the voters' list of the said township shall be the roll and voters' list to be used in any election for Mayor or members of the Municipal Council of the said town and for School Trustees until another assessment roll shall be made and finally revised and the voters' list thereon shall have been duly made and completed.

Town to form
part of Rainy
River District.

8. The Town of Keewatin shall be, remain and form part of the District of Rainy River for judicial purposes.

Constitution of
Council.

9. The Council of the said Town of Keewatin, for the year 1909, and for each subsequent year, shall consist of a Mayor and six Councillors, to be elected by general vote as provided by *The Municipal Act*.

CHAPTER 87.

An Act respecting the Town of Kenora.

Assented to 14th April, 1908.

WHEREAS the Municipal Corporation of the Town of Kenora (herein called the town) and The Maple Leaf Flour Mills Company, Limited (herein called the company), have by petition represented that by Chapter 71 of the Statutes of Ontario passed in the seventh year of the reign of His Majesty King Edward VII., certain by-laws, numbered respectively 388 and 396, of the town were confirmed and provisions were thereby made for securing the payment of the debentures issued or to be issued by the town in pursuance of said by-laws by mortgage deed upon the water power system of the said town and the lands and works acquired and constructed in connection therewith; and that pursuant to the said Act the town has executed a mortgage deed securing debentures for \$300,000, which mortgage deed is dated the fifth day of June, 1907, and The Trusts and Guarantee Company, Limited, are therein constituted the trustees for the debenture holders; that the cost of the water power system and the works in connection therewith has exceeded the estimates, and that By-law Number 420, set out in Schedule "A" hereto, has been assented to by the ratepayers; that it is expedient that the holders of debentures under By-law Number 420 should rank ratably with the holders of the debentures secured by the said mortgage deed; and whereas it is further represented that on the seventh day of October, 1905, an agreement was made between the town and the company, which agreement is set forth in Schedule "B" hereto; that the mill of the company mentioned in the said agreement, after being completed in accordance with the provisions thereof, was recently destroyed by fire; that said petitioners are desirous of adhering to the terms of the said agreement; and whereas the said petitioners have petitioned for an Act confirming the said By-law Number 420, and making the debentures issued thereunder rank ratably with the debentures now secured by the said mortgage deed, and authorizing

izing the execution of all necessary documents for that purpose, and declaring the said agreement between the town and the company legal, valid and binding; and whereas, subject as hereinafter provided, it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law No. 420
of Town of
Kenora
confirmed.

1. By-law Number 420 of the Municipal Corporation of the Town of Kenora, set out in the Schedule "A" hereto, and all debentures issued or to be issued thereunder, and all assessments made or to be made in pursuance thereof, are hereby confirmed and declared to be legal, valid and binding, and every provision of the said by-law shall have the same force and effect as if repeated and re-enacted in this Act.

Mortgage on
waterworks
to extend to
debentures to
be issued under
By-law 420.

2. The said Municipal Corporation of the Town of Kenora may by deed provide that the said debentures issued and to be issued under the said By-law Number 420 shall, subject to any prior rights of the holders of the debentures issued and to be issued under By-laws Numbers 388 and 396, have the benefit of the security created by the mortgage deed executed by the said municipal corporation in favour of The Trusts and Guarantee Company, Limited, as trustee for the debenture holders pursuant to the provisions of the Act passed in the seventh year of His Majesty's reign, Chaptered 71.

Debentures
under By-law
420 may rank
ratably with
consent of
holders of out-
standing
debentures.

3. Upon the consent of the holders of the debentures now outstanding and issued under the said By-laws Numbers 388 and 396 being filed with the said The Trusts and Guarantee Company, Limited, or other trustee for the time being for the holders of the debentures issued under said By-laws Numbers 388 and 396, it shall be lawful for such trustee to declare that all debentures issued under the said By-law Number 420 shall in respect to the security created by the said mortgage deed rank ratably with the said debentures issued and to be issued under said By-laws Numbers 388 and 396.

Validity of
debentures
not to be
affected.

4. Nothing herein, or in the said By-law Number 420, shall affect the validity of the said debentures as part of the debenture debt of the said municipality, or any of the rights or remedies otherwise by law possessed by holders of debentures of the said municipal corporation.

Agreement
with Maple
Leaf Flour
Mills Co.
confirmed

5. The agreement between the said Municipal Corporation of the Town of Kenora and The Maple Leaf Flour Mills Company, Limited, dated the 17th day of October, 1905

1905, and set forth in Schedule "B" hereto, is hereby confirmed and declared to be legal, valid and binding upon the respective parties thereto subject nevertheless to the following amendments therein.

(a) Paragraph number 2 (a) of the said agreement is amended by striking out the word "three" and inserting in lieu thereof the word "five" in the following clause in said paragraph, "the said voltage not to vary more than three per cent."

(b) Paragraph 2 (c) of the said agreement is hereby amended by adding thereto the following proviso,—“Provided always that if at any time during the term provided for by this contract or by any renewal thereof the right or title of the Town to such water power shall without any act or omission upon the the part of the Town, expire, cease, determine or be put an end to, the Town shall be under no liability for damages or otherwise for its failure to supply power caused by such expiration, determination, cessation or ending of its said right or title: Provided further that if the Town does not forthwith obtain or apply for a renewal of its right or title, the Company shall have the right to acquire for its own benefit from the owner thereof, the right or title to such water power or any leasehold interest therein without the let or hindrance of the Town; Provided further that the Town shall not sell or dispose of any part of the plant, transmission lines or other property of the Town used in the supplying of electrical current to the Company, except subject to the rights of the Company, its successors and assigns under this agreement, or without giving the Company, its successors or assigns the first refusal of the purchase thereof.”

(c) Paragraph number 2 (d) is amended by adding thereto the following clause,—“Provided that in the event of the Town failing for any reason to furnish continuously for the period of seven days the said 1,000 horse power of electrical current, it shall be lawful for the Company or the Town from time to time and as often as such failure shall happen, in a summary way upon notice to the other party to supply to the Hydro-Electric Power Commission or its successors to determine whether the difficulty causing the default can be immediately remedied or removed, and thereupon the said Hydro-Electric Power Commission or its successors may appoint such engineer or other person or persons as may appear to it necessary to ascertain the cause of the difficulty and to take such steps as may be necessary to remedy or remove the same so that the said electric current can be continuously furnished as herein provided, and the said Hydro-Electric Power Commission, or its successors shall have the power in addition to all other

other powers in it vested by law to enter upon, assume control of and take possession of the lands, water powers, plant, transmission lines and other property of the Town used in the generating and the supplying of the said electrical current and to continue in possession thereof so long as may in its opinion be necessary, and to determine by whom the costs and expenses incurred in the appointment of the parties aforesaid or in removing or remedying the cause of the difficulty shall be borne or paid either immediately or ultimately, and the said Commission or its successors shall have full power to order that the whole or any part of the moneys paid or costs incurred by the Town or by the Company shall be repayable by the other party together with interest, and to direct when and in what manner the same shall be paid."

Exemption of
property of
Company from
taxation.

6. The flour mill and barrel factory and all the lands and other property of the said Maple Leaf Flour Mills Company, Limited, connected and used with the flour mill business mentioned in the said agreement, except such as shall be used for residences, are hereby exempted from all municipal taxation, including business tax, but excepting school taxes and rates, for a period of twenty years from and after the year 1905.

Mortgage to
Trusts and
Guarantee Co.
not to affect
rights of cer-
tain Com-
panies.

7. Nothing in the said mortgage deed in favour of the Trusts and Guarantee Company, Limited, executed pursuant to the provisions of the said Act passed in the Seventh year of his Majesty's reign, Chapter 71, nor in the said Act or this Act or in the said By-laws Nos. 388, 396 and 420 of the Town of Kenora, shall affect any right or title of the Governor and Company of Adventurers of England, trading into Hudson's Bay or of the Keewatin Power Company, Limited.

SCHEDULE "A."

By-law No. 420, to provide for borrowing the sum of \$75,000 for the completion of the Water Power Development, and acquiring Lands required therefor, and to issue Debentures of the said Town to that amount, to raise the sum required therefor.

Whereas By-laws Nos. 388 and 396 of the Town of Kenora, were passed with the assent of the ratepayers, and amended and confirmed by the Ontario Legislature, 7 Edward VII. chap. 71, to provide for borrowing the sum of \$200,000 and \$100,000, respectively for water power development, and acquiring lands required therefor, on the east branch of the Winnipeg River in the said municipality;

And whereas the said development work has been proceeded with, and is now completed, and it has been ascertained that owing to unforeseen circumstances, the sums so provided have not been sufficient to fully pay the cost of the said work;

And

And whereas in order to carry out the purposes mentioned in said By-laws Nos. 388 and 396, and fully pay the cost of the said development work, and of the lands required in connection therewith, it is necessary for the Corporation of the Town of Kenora to borrow upon the credit of the municipality, the further sum of \$75,000;

And whereas for the purposes aforesaid, it will be necessary to issue debentures of the said municipality of the Town of Kenora, for the sum of \$75,000, as hereinafter provided, which is the amount of the debt intended to be created by this by-law, the proceeds of the said debentures to be applied to the payment of the cost of the completion of the said development work and the expropriation and acquiring of the said lands, and the payment thereof, and for no other purpose;

And whereas the total amount required by *The Municipal Act* to be raised annually by special rate for paying the said debt and interest is the sum of \$5,701.45, whereof \$4,125 is to be raised annually for the payment of the interest during the currency of the said debentures, and \$1,576.45 for the purpose of creating a sinking fund for the payment of the debt secured by the said debentures;

And whereas the amount of the whole rateable property of the Town of Kenora, according to the last revised assessment roll of the said Town of Kenora, is the sum of \$2,134,363;

And whereas the amount of the existing debenture debt of the said municipality of the Town of Kenora is \$632,687.65, of which no part is in arrears for principal or interest;

And whereas for paying the said debt of \$75,000 hereby created and interest thereon, at the rate of $5\frac{1}{2}$ per cent. per annum, an annual special rate sufficient therefor shall be levied and collected in addition to the other rates levied and collected in each year upon the rateable property in the municipality of the Town of Kenora;

Therefore the Municipal Council of the Corporation of the Town of Kenora, in the District of Rainy River, enacts as follows:—

1. That it is expedient and in the interests of the said Town of Kenora to acquire the said lands, and to pay the cost of completion of the development of the water power on the east branch of the Winnipeg River within the said municipality above mentioned.

2. That it shall and may be lawful for the Corporation of the Town of Kenora to borrow on the credit of the Corporation the said sum of \$75,000 for the purposes above set out, and for the purpose of raising the said sum, debentures of the said Town to the amount of \$75,000, as aforesaid, shall be issued in sums of not less than \$100 each, which debentures shall be dated on the first day of October, 1907, and shall be payable on the thirtieth day of September, 1937, at the Imperial Bank of Canada, in the Town of Kenora.

3. Each of the said debentures shall be signed by the mayor and treasurer of the said Town, and the clerk of the said Town of Kenora shall attach thereto the corporate seal of the municipality.

4. The said debentures shall bear interest at the rate of five and one-half ($5\frac{1}{2}$) per centum per annum, payable yearly at the said Imperial Bank of Canada on the thirtieth day of September in each and every year during the currency thereof, and shall have attached to them coupons for payment of the said interest, which coupons shall be signed by the said mayor and treasurer.

5. During the currency of the said debentures there shall be raised annually a special rate on all the rateable property in the said Town of Kenora, the said sum of \$4,125 for payment of the interest of the said debentures and the said sum of \$1,576.45 for the purpose of creating a sinking fund for the payment of the debt hereby

hereby secured, making in all the sum of \$5,701.45 to be raised annually by special rate as aforesaid during each of the said thirty years.

6. Provided that the revenue arising from the said water power, plant and system and property as aforesaid shall first be applied towards the payment of the debt and interest under By-laws Nos. 388 and 396, and then towards the said debt and interest thereby created, and after so applying the moneys arising from the said revenue, less the expense of operating and maintaining, the council shall only be required to raise in each year by special rate on all the rateable property in the municipality, a sum sufficient with the moneys arising from such revenues to make up the said annual sum of \$5,701.45 required for payment of the instalments, interest and sinking fund of said debt hereby created.

7. This by-law shall take effect and come into operation upon the final passing thereof.

And whereas this by-law requires the assent of the electors of the Town of Kenora;

And whereas it is necessary to appoint a time and place for the taking of a poll of the electors aforesaid, and also a day for finally considering the said by-law in council;

8. It is therefore further enacted that the votes of the electors of the said Town of Kenora shall be taken on this by-law at the following times and places, that is to say:—

On Monday, the 7th day of October, commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day, by the following deputy returning officers:—

Centre Ward, Polling Subdivision No. 1, at the Fire Hall, in the Town of Kenora, by Robt. Nairn, Deputy Returning Officer.

North Ward, Polling Subdivision No. 1, at the Court House, in the Town of Kenora, by E. Appleton, Deputy Returning Officer.

Polling Subdivision No. 2, at the house of John Mann, Railway Street, in the Town of Kenora, by Oswald Partington, Deputy Returning Officer.

South Ward, Polling Subdivision No. 1, at the house of J. T. Gunnis, Second Street, in the Town of Kenora, by R. P. Donkin, Deputy Returning Officer.

Polling Subdivision No. 2, at Husband's Store, Agnes Street, in the Town of Kenora, by Meadows Brock, Deputy Returning Officer.

West Ward, at Greenwood's Hall, at the corner of Keewatin Road on the C. P. R. track, Norman, in the Town of Kenora, by John Kay, Deputy Returning Officer.

9. On Saturday, the 5th day of October next, the mayor of the said Town shall attend at the Town Hall at ten o'clock in the forenoon to appoint persons to attend at the various polling places aforesaid, and at the final summing up of votes by the clerk, on behalf of the persons interested in promoting or opposing this by-law, respectively.

10. The clerk of the said Town of Kenora shall attend at the said Town Hall at ten o'clock in the forenoon on Tuesday, the 8th day of October, next, to sum up the number of votes given for and against this by-law.

11. That this by-law shall be finally considered in open council on the 14th day of October, 1907.

Read the first time in open council, this 9th day of September, A. D. 1907.

Read a second time in open council, this 9th day of September, A. D. 1907.

Read the third time, passed, signed and sealed in open council, this 14th day of October, A. D. 1907.

(Sgd.) C. W. BELYEA,
Mayor.

(Sgd.) D. H. CURRIE,
Clerk.

(Seal).

SCHEDULE

SCHEDULE "B."

Memorandum of Agreement made and entered into this Seventeenth day of October, A.D. 1905, at the Town of Kenora, in the Province of Ontario, between the Corporation of the Town of Kenora, hereinafter called "the Town," represented by A. S. Horswill, and D. H. Currie, Mayor and Clerk, respectively, of the said Town of Kenora, duly authorized for the purposes herein by By-law of the Municipal Council passed on the Seventeenth day of October, A.D. 1905, a copy of which, certified by the Clerk of the said Municipal Council is hereto attached, of the First Part, and The Maple Leaf Flour Mills Company, Limited, hereinafter called "the Company," represented by D. C. Cameron and H. S. Dowd, under Resolution of the Company passed on the Eighteenth day of October, A.D. 1905, joined hereto as a part hereof, of the Second Part.

Whereas the Company are desirous of establishing a flour milling business in the Town of Kenora, and have applied to the Town for electric power, by which to operate any mills which they may cause to be erected in said Town for carrying on the said business;

And whereas it will be to the advantage of the Town to have such a business established therein, and the Town has, in consequence, agreed to furnish power to the Company, and the Company has agreed to purchase power from the Town on the terms and conditions hereinafter set out;

Now, therefore, this agreement witnesseth, that in consideration of the mutual covenants hereinafter contained, the parties hereto covenant, promise and agree, to and with each other as follows:—

1. The Company will within three months from the date hereof, substantially commence to erect, and will, within fifteen (15) months from the date hereof, erect and fully complete and fully equip with modern machinery and other necessary appliances within the corporate limits of the said Town, a flour mill of the capacity of at least two thousand (2,000) barrels for every twenty-four hours, together with a barrel factory.

2.—(a) The Company having fully complied with the provisions of the preceding paragraph, the Town will, from and after the expiration of the said period of fifteen months from the date hereof, furnish and deliver to the said Company in its transformers (or to the assigns of the said Company), at the mill to be erected as aforesaid, one thousand (1,000) electrical horse-power of electrical current (meter measurement), for a period of forty-two (42) years from the commencement of the said delivery, such supply of power to be furnished and delivered as aforesaid, to be continuous (except as hereinafter provided), during the said period, for twenty-four hours per day, and for seven days per week, the said power to be delivered by two phase alternating current sixty cycles at a voltage of 2,200 volts, the said voltage not to vary more than three per cent, for the price or sum of ten dollars (\$10.00) per electrical horse-power per annum, payable quarterly at the end of each quarter for the period of forty-two years, together with all rentals payable to the Government in respect of the horse-power agreed to be furnished to the Company hereunder, not exceeding one dollar (\$1.00) per horse-power per annum; and the said Town will pay to the Company for each and every hour that the supply of power is not delivered in said transformers (except as hereinafter provided), in full for damages caused by the said default, the sum of ten dollars (\$10.00) per hour as liquidated damages.

(b) Provided that if at the expiration of the said period of fifteen months the Company shall not have fully completed and equipped the said mill, or the Town shall not then be prepared to furnish and deliver the said power, the former shall not be required to

pay

pay for any power and the latter shall not be liable for any penalties or damages imposed hereunder by reason of default respectively, until they shall have completed and equipped said mill, and shall be prepared to furnish and deliver said power respectively as aforesaid, but not exceeding three months from the date of the expiration of such period of fifteen months.

(c) Provided that the Company shall have the privilege, upon giving one year's previous notice in writing to the Town of its intention so to do, to continue this contract for a further period of forty-two years immediately following the expiration of the first period of forty-two years, at a price per horse-power per annum to be mutually agreed upon by and between the parties hereto, or failing such agreement to be determined by the arbitration of three persons, one to be appointed by each of the parties hereto, and a third arbitrator to be named by the first named arbitrators in writing, before they enter upon the business of such determination; and if either party shall refuse or neglect to appoint an arbitrator within thirty (30) days after the other party shall have appointed an arbitrator, and shall have served a written notice upon the first mentioned party, requesting such party to make such appointment, then the arbitrator first appointed shall determine such price as if he were an arbitrator appointed by both parties for the purpose, and the determination which shall be made by the said arbitrators or the majority of them, or by the said arbitrator shall be final and binding upon the parties hereto, their successors and assigns.

(d) Provided, and it is hereby understood and agreed that the Town shall not be considered or held liable or responsible either for damages or otherwise for any default in the supply of electrical power where the said default to supply power is the result of some unavoidable cause; but the said Town shall be excused and relieved from responsibility for such default only during some time as will be essential to the removing of such cause or default, but in such case the Company or its assigns shall not be liable for electrical power not delivered during the said time, and the quarterly payments shall be reduced in proportion to the time during which the power shall not be supplied, and without prejudice and in addition to all other remedies of the Company under this contract, and excusable upon the default of the Town to furnish continuously (except as otherwise provided), the said one thousand horse-power of electrical current, it is agreed that in the event of the default of the Town continuing for a period of one month, and it be possible to remove the cause or remedy the difficulty causing the default, the Company may, at the cost of the Town, assume control of that part or portion of the power, plant, transmission wires and other property of the Town used in the supplying of the said electric current to the Company, and remove the said cause or remedy the difficulty which caused the default on the part of the Town, and may then deliver the said electric current unto the transformers of the Company and continue to deliver the same until the Town again demands and assumes control of said power, plant, etc., and delivers the said electrical current, and the Town will be liable to the Company for all cost reasonably incurred by the Company in the assumption and control, and the said removal of the said cause, and the said remedying of the difficulty, and the said delivery of the said electric current, and the said quarterly payments shall in that case be reduced by the cost incurred.

(e) Provided further that should general repairs require to be made by the Town, it shall, on giving four weeks' previous written notice to the Company, have the right to close down the power, and be relieved from supplying said electrical current for such period as may be essential in each year, but not exceeding two weeks.

3.—(a) The Company will accept such power during such period of forty-two (42) years, and any renewal thereof (except as otherwise herein provided, and will pay to the Town for said one thousand horse-power (whether used or not the said price or sum of ten dollars (\$10) per electrical horse-power per annum, together with Government rentals for power, quarterly at the end of each quarter, together with all rentals payable to the Government in respect of the horse-power agreed to be furnished the Company hereunder, not exceeding one dollar per horse power per annum, from and after the commencement of delivery of electrical power by the Town as hereinbefore provided (except as herein otherwise provided).

4. Provided and it is hereby understood and agreed that in case the said flour mill should at any time during the said period of operation of this agreement, without any neglect on the part of the Company, be burned down or so seriously damaged by fire, lightning or tempest, as to be incapable of operation, then and in that case, the Company or its assigns shall be relieved from paying for said power during such time as shall be absolutely necessary to rebuild or repair the said mill, in no case to exceed a period of twelve months, such period to be computed from the day of such total or partial destruction, and after said period the Company shall continue to pay for the power (whether used or not), or in the event of the Company not desiring to re-build or repair the said mill, it will have the option of terminating the present contract on payment to the Town within six months of said total or partial destruction, the sum of fifty thousand dollars (\$50,000.00), in case said total or partial destruction takes place within five years from the completion of the said mill, or twenty-five thousand dollars (\$25,000.00) in case the said total or partial destruction takes place after the said period of five years, or renewal thereof, which said payments of \$50,000.00 and \$25,000.00 respectively, if made as above stipulated (time being the essence thereof) shall be accepted by the Town as liquidated damages in full settlement and termination of this agreement, which shall thereupon cease and be of no further force or effect in any particular.

5. It is further agreed that if at any time within two and one-half (2½) years after the Town shall have commenced to supply said power under this agreement, the Company require additional electrical power in connection with their said business, and give to the Town written notice to that effect, specifying the amount of additional power required, the Town will, within six months, commence to furnish and deliver to the Company, and the Company will accept and pay for such additional power (not exceeding one thousand horse-power), as is required and specified in such written notice for the balance of the said period of forty-two years hereinbefore stipulated, and any renewal thereof, in the same manner and on the same terms and conditions, and for the same price of ten dollars (\$10) per horse power per annum for the additional horse-power so required and specified in said written notice, together with all rentals payable to the Government as aforesaid.

6. It is agreed that in consideration of the benefits to result to the Town from the establishing of the said flour milling business in the said Town, the Town will, so far as it has power and authority to do so, exempt the said flour mill and barrel factory and all the lands and other property of the said Company connected and used with the said flour milling business (except such as shall be used for residences) from all municipal taxation (including business tax) except school taxes and rates, for a period of twenty years from and after the year 1905, and the Town further undertakes and agrees to do all acts and things that may be reasonable and necessary to procure and obtain confirmation and legislation from the electors of the Town of Kenora and the Legislature of the Province of Ontario, as may be necessary to carry out the expressed

expressed desire and intention of legally granting to the Company the said exemption for the said period of twenty years, and the Town agrees to introduce and do its utmost to have passed at the earliest possible time by the said Legislature a Bill authorizing and ratifying a by-law of the Town granting the said exemption, and also approving, ratifying and legalizing this agreement.

This agreement shall be binding not only upon the Town and the Company, the parties hereto, but also on their respective successors and assigns.

In witness whereof the parties hereto have hereunto caused to be affixed their corporate seals and the hands of their proper officers or representatives to be set.

Signed, sealed and delivered

In the presence of

(Sgd.) A. S. HORSWILL,
Mayor.

(Sgd.) D. H. CURRIE,
Clerk.

(Seal).

(Sgd.) D. C. CAMERON,
President.

(Seal).

(Sgd.) H. S. DOWD,
Secretary-Treasurer.

CHAPTER 88.

An Act respecting the Town of Listowel.

Assented to 14th April, 1908.

WHEREAS the Municipal Corporation of the Town of Preamble.
Listowel has by petition represented that the Listowel Gas and Electric Light Company, Limited (hereinafter called the "Company"), has for many years supplied electric light and gas for lighting purposes in the said Town of Listowel; that by the Act passed in the 3rd year of His Majesty's reign, Chaptered 62, the said Corporation was authorized and empowered to purchase the property of the said Company in actual use for electric light purposes only pursuant to the provisions of By-law No. 391 of the said Corporation, and to issue debentures of the said Corporation for a sum not exceeding five thousand dollars, without the necessity of first obtaining the assent of the qualified electors of the said Municipality in that behalf; that owing, among other things, to doubts as to the extent of the powers of the said Municipal Corporation to do commercial and domestic lighting, as well as street lighting under the said Act, the provisions thereof were not availed of during the currency of the by-law and agreement mentioned therein; that the Council of the said Municipality has recently entered into an agreement with the said Company for the purchase of the electrical plant and appliances of the said Company (saving thereout the boiler and engine), for the price or sum of twenty-five hundred dollars, which said agreement is set forth in the Schedule to this Act; that on the execution of the said agreement, it was the intention of the said Company and the said Municipal Corporation that the purchase of the said electrical plant and appliances under said agreement should be a sufficient compliance with any and all sections of *The Consolidated Municipal Act, 1903*, and all amendments thereof, having for their purpose the purchase of or the tender of money for the plant and appliances of any corporation, person or firm incorporated, in, or for the said Municipality, and that the said Municipal Corporation and the Council thereof upon the completion of the said purchase for the price
named

named, should be at liberty to enter into commercial and domestic electric lighting as well as street lighting; that the said Listowel Gas and Electric Light Company, Limited, is the only Company, Corporation, person or firm incorporated in or for the Municipality of the Town of Listowel, or owning or operating an electric light or gas plant for commercial or street lighting purposes; and whereas the said Municipal Corporation are desirous that power be granted to purchase the said electrical plant and appliances pursuant to said agreement and to pass any necessary by-law or by-laws from time to time and to issue debentures of the Town for the payment of said purchase price, as well as for such additional plant and appliances as may now or hereafter be necessary for installing and carrying on electric light and power works in the said Town; and whereas the said Town is now, and has been since the first of December, 1907, without any lighting for their streets; and whereas the value of the whole rateable property in the said town is \$892,485, and the existing debenture indebtedness (exclusive of local improvement debts) is \$140,037.83 and there is to the credit of the sinking fund \$19,021.24; and whereas the Council of the said Municipality has by the said petition prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Town authorized to purchase plant and appliances of the Listowel Gas and Electric Light Co.

1. The Municipal Corporation of the said Town of Listowel is hereby empowered and authorized to purchase the electrical plant and appliances of the Listowel Gas and Electric Light Company, Limited (saving their boiler and engine), for the sum of twenty-five hundred dollars pursuant to the provisions of the said agreement, which agreement is set forth in Schedule "A" to this Act (which said agreement is hereby confirmed and validated), and may after taking over the said electrical plant and appliances or after the tender of the said sum of twenty-five hundred dollars in the event of the said Company refusing to accept such tender and neglecting to carry out the purchase provided for in the said agreement, pass any necessary by-law or by-laws providing for the operation of electric light and power works and for supplying electric light and power in the said Town for commercial and domestic purposes as well as for electric street lighting, and for such purposes is hereby empowered to acquire such property and privileges as may be deemed advisable.

Issue of debentures to borrow \$7,000 authorized.

2. The said Municipal Corporation may pass a by-law or by-laws providing for the issue of and pursuant thereto, may issue debentures bearing interest at such rate as the Council

Council may direct, under its corporate seal, and signed by the Mayor and countersigned by the Treasurer for the time being for such sums not less than \$100 each, and for such amount not exceeding \$7,000 for the purchase of the said Company's electrical plant and appliances pursuant to the terms of said agreement and the purchase of such additional electrical plant and appliances as may be deemed advisable and for properly installing same in the first instance in the Town of Listowel aforesaid.

3. The said Municipal Corporation may for the purposes hereinbefore mentioned raise money by way of loan on the said debentures, or sell and dispose of the said debentures from time to time as it may be deemed expedient.

Power to
pledge debentures.

4. A portion of said debentures to be issued under this Act shall be made payable in each year for a period not exceeding twenty years from the date of the issue thereof so that the aggregate amount to be levied and payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the said debenture debt is to be discharged, and the said Corporation shall levy, in addition to all other rates to be levied in each year, a special rate on all the rateable property in the said Town of Listowel sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them.

Term and
manner of
payment of
debentures.

5. It shall not be necessary to obtain the assent of the ratepayers of the said Town for passing of any by-law or by-laws which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*, and any amendments thereof, and any provisions in the Acts respecting Municipal Institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act or any of them, shall not apply to the by-law or by-laws to be passed by the said Corporation under the provisions of this Act.

Assent of
electors not
required to
by-law.

6. No irregularity in the form of the said debentures or any of them, or of any by-law or by-laws authorizing the issuing thereof shall render the same invalid or illegal, nor be allowed as a defence to any action brought against the said Corporation for the recovery of the amount of the said debentures and interest thereon, or any or either of them, or any part thereof, and a purchaser or holder thereof shall

Irregularity in
form not to
invalidate.

not

not be bound to inquire as to the necessity of passing such a by-law or issue of debentures or as to the application of the proceeds thereof.

Temporary
loans and
advances
authorized.

7. The Council of the said Municipality may make agreements with any bank, or with any person or body corporate for temporary advances and loans for the purchase of the said electrical plant and appliances of the said Company and of such other necessary plant and appliances and for the installation of such electric light and power works as may be deemed advisable in the first instance, or may use the general funds of the said Municipality pending the issue and sale of the debentures pursuant to this Act to any amount not exceeding seven thousand dollars.

Provisions of
special Act not
to limit general
powers under
3 Edw. VII.,
c. 19.

8. Nothing in this Act contained shall be construed to limit or abridge the right and power of the said Municipal Corporation pursuant to the provisions of *The Consolidated Municipal Act, 1903*, and any amendments thereof, to pass a by-law or by-laws to acquire, construct and operate, or to extend, add to, or improve the system of electric light or power works in the said Town of Listowel, and to acquire the necessary land, and to erect thereon all buildings, plant and machinery as the Council may deem necessary or desirable to supply electric light and power for commercial and domestic purposes, as well as for lighting the streets and buildings of the said Municipal Corporation, and for other Municipal purposes, and to pass all necessary by-laws for the issue of the debentures of the said Town for such purposes and for the sale of such debentures pursuant thereto.

Certain pro-
visions of
3 Edw. VII.,
c. 19, not to
apply in certain
case.

9. To remove doubts it is hereby declared that, upon the purchase of the said electrical plant and appliances of the said Company pursuant to the agreement set forth in the Schedule hereto or upon the tender by or on behalf of the said Municipality of the said sum of \$2,500 to the said Company, in the event of the said Company refusing to accept such tender or neglecting to carry out the purchase provided by said agreement, the clauses lettered *a* to *a9*, both inclusive, following paragraph 4 of section 566 of *The Consolidated Municipal Act, 1903*, and any amendments thereof do not apply to the Corporation of the Town of Listowel nor to the Council thereof, and it shall not be necessary for the Council of the said Town before passing any by-law or by-laws respecting electric light or power works, whether passed pursuant to the provisions of this Act or to the general powers of the Municipality under *The Consolidated Municipal Act, 1903*, and amendments thereto, or any other enabling Statutes, or issuing debentures thereunder, to fix any price to be offered to any gas and electric light company, gas company, or electric light company, or other corporation, firm, person or persons supplying, or which has heretofore supplied, gas or electric light in the
said

said Town of Listowel, or which has been incorporated for or in the Municipality of the Town of Listowel, or to take any further or other proceedings having for their object the fixing of a price to be paid by the Municipal Corporation for the works and plant of any such Company, firm, person or persons, or any part thereof, or the purchase or expropriation of any such works and plant, or any part thereof, by the said Municipal Corporation.

SCHEDULE "A."

This Indenture made (in duplicate) the fifteenth day of January, A.D. 1908, between the Listowel Gas and Electric Light Company, Limited, hereinafter called "the Company," of the First Part, and The Municipal Corporation of the Town of Listowel, hereinafter called "the Corporation," of the Second Part.

Witnesseth that in consideration of the mutual covenants, promises and agreements herein contained, and on the part of the said Company, and the said Corporation respectively, to be observed and performed, and of the sum of one dollar (\$1.00), now paid by each of them to the other (the receipt whereof is hereby by each of them acknowledged), the said Company and the said Corporation for themselves, their respective successors and assigns hereby mutually covenant, promise and agree each with the other as follows:—

1. The said Company covenants, promises and agrees to sell, assign, transfer and set over unto the said Corporation, and the said Corporation covenants, promises and agrees to purchase of and from the said Company, at and for the price or sum of twenty-five hundred dollars (\$2,500.00), all and singular the electric light plant and appliances, except their boiler and engine, appertaining to the electric light works of the said Company more particularly enumerated in Schedule "A" hereto at the time, and subject to the terms and conditions hereinafter contained.

2. The said electrical plant and appliances shall be assigned, transferred and set over to the said Corporation by a good and sufficient conveyance and delivery of possession thereof, and the said consideration money of twenty-five hundred dollars (\$2,500.00), shall be paid to the said Company contemporaneously therewith, and as soon as conveniently may be, and within three months after the final passing by the Legislature of the Province of Ontario of an Act, among other things, to authorize and empower the said Corporation to complete and carry out the provisions of this agreement, and purchase hereby provided for, and to issue debentures of the said Corporation for the purpose of payment of the said consideration money of twenty-five hundred dollars (\$2,500.00), and to pass all necessary by-laws in that behalf. And it is hereby declared that the granting of said power and authority by said Act as aforesaid shall, at the option of the said Corporation, be a condition precedent to the final completion, validating and carrying out of this agreement.

3. It is mutually understood and agreed and intended by and between the said Company and the said Corporation that the purchase of the said electrical plant and appliances by the said Corporation, under the provisions of this agreement shall, in so far as the said Company is concerned, be a sufficient compliance by the said Corporation with the provisions of clauses lettered a to a9 both inclusive, following paragraph 4 of section 566 of the *Consolidated Municipal Act, 1903*, and any amendments thereof, and that on completion of the purchase provided for by this agreement, and the payment of the said sum of twenty-five hundred dollars

36 s.

(\$2,500.00)

(\$2,500.00) hereunder, the said Corporation shall have absolute and complete power and authority, so far as the said Company can grant same and without let or hindrance from the said Company to acquire, construct, operate and maintain electric light and power works within the Municipality of the Town of Listowel, for supplying electric light and power for domestic and commercial purposes, as well as for street lighting and other municipal purposes, both by arc and incandescent electric lights.

4. The said Company by the execution of this agreement signifies its consent and approval to the passing of the Act by the Legislature of the Province of Ontario, at the next session thereof, for the purpose hereinbefore mentioned, and for relieving the said Corporation and the Council thereof, of and from all the restrictions imposed by the said clauses of the *Consolidated Municipal Act, 1903*, hereinbefore referred to.

It is hereby understood and agreed by and between the said Company and the said Corporation that the covenants, promises and agreements herein contained shall enure to the benefit of, and be binding upon the said Company and the said Corporation, and their respective successors and assigns.

It is further agreed by and between the said parties that the amount to be provided by the Act of the Legislature of Ontario, for the purchase and installation of said plant in the first instance shall not exceed \$7,000.

In witness whereof, the said Company and the said Corporation, have hereto affixed their respective Corporate Seals, and set the hands of their respective executing officials.

Sealed, executed and counter-
signed in the presence of
(Sgd.) GEO. A. HAY,
as to the Company.
(Sgd.) F. R. BLEWETT,
as to the Corporation.

THE LISTOWEL GAS AND ELECTRIC
LIGHT COMPANY, LIMITED.
(Sgd.) JOHN C. HAY,
President and Sec'y.

(Company's
(Seal.)

(Sgd.) ANDREW FOERCH,
Mayor.

(Sgd.) WILLIAM BRIGHT,
Clerk.
(Corporate
(Seal.)

SCHEDULE "A."

To the annexed agreement made between The Listowel Gas and Electric Light Company, Limited, and the Municipal Corporation of the Town of Listowel, dated the fifteenth day of January, A.D. 1908.

Inventory.

Power House.

- 1 20-light Reliance arc machine.
- 1 Reliance automatic switch.
- 1 Current indicator. (Solenoid type.)
- 1 Cutout switch.
- 2 Canadian General lightning arresters.
- 30 (Approximately) porcelain knobs with screws.
- 100 ft. (approximately) No. 8 insulated wire.

Arc Lamps.

- 26 Helios-Upton enclosed arc lamps.

Street Lines.

- 141 Poles erected (approximately).
- 36a s.

Other

Other Supplies.

- | | | | |
|-----|---|---|------------------|
| 66 | Side blocks. | } | (Approximately.) |
| 70 | Two-pin cross arms. | | |
| 33 | Four-pin cross arms. | | |
| 215 | Top pins. | | |
| 203 | Lag screws. | | |
| 264 | Glass insulators. | } | |
| 25 | Arc lamp hangers (2 of mast arm type and 23 of centre suspension type.) | | |
| 3 | Cutout switches with boxes on poles. | | |
| 20 | (Approximately) porcelain knobs. | | |

Wire.

- 762 ft. (approximately) No. 6 insulated wire.
25,347 ft. (approximately) No. 8 insulated wire.
-

CHAPTER 89.

An Act respecting the City of London.

Assented to 14th April, 1908

Preamble.

WHEREAS the Corporation of the City of London has by petition represented that the Council of the said Corporation, on the twenty-eighth day of December, A.D. 1907, passed certain By-laws Numbered 3,155, 3,156 and 3,157 to levy the cost of the construction of certain local improvements, and for the issue of debentures therefor; that the said Council did, on the said twenty-eighth day of December, A.D. 1907, pass a By-law Numbered 3,158 to consolidate the several issues of debentures mentioned in the said first mentioned by-laws; that the said Council did, on the third day of February, A.D. 1908, pass a By-law Numbered 3,169, to provide for the issue of \$19,000 debentures for the cost of building and equipping Fire Halls in the North and East ends of the City after it had received the assent of the electors as required by *The Consolidated Municipal Act, 1903*; that the said Council did, on the third day of February, A.D. 1908, pass a By-law Numbered 3,170 to provide for the issue of \$6,000 debentures to pay towards the cost of lands and buildings for a Sanatorium for Consumptives after it had received the assent of the electors as required by *The Consolidated Municipal Act, 1903*; and that the said Council did, on the said third day of February, A.D. 1908, pass a By-law Numbered 3,171 to provide for the issue of \$235,000 debentures for the cost of a plant to distribute electric power after it had received the assent of the electors as required by *The Consolidated Municipal Act, 1903*; and whereas the said Corporation has further represented that the said By-laws Numbered 3,155, 3,156, 3,157, 3,158, 3,169, 3,170 and 3,171 should be confirmed in order that the debentures issued thereunder may be more readily and profitably disposed of; and whereas the said Corporation has further represented that the whole of the proceeds of the \$60,000 debentures, authorized to be issued for extensions to the sewerage system by By-law Numbered 2,919, which was confirmed and validated by *The City of London Act, 1907*, will not be required to pay for

for the extensions mentioned in the said By-law, and that there will be a surplus which the said Corporation wishes to apply in payment of the cost of the extensions to the said sewerage system, made during the year, 1907, to the extent of \$3,410,00, and the balance in payment of a further extension to the said sewerage system; and whereas the said Corporation has further represented that the Easterly side of Waterloo Street, between South Street and Nelson Street, in the said City of London, should be stopped up and closed as a highway, and should be vested in the said Corporation for hospital purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The by-laws of the Corporation of the City of London specified in Schedule "A" hereto, and all debentures issued or to be issued thereunder, and all assessments made or to be made, for the payment thereof, are confirmed, and declared to be legal, valid and binding.

By-laws specified in Sched. "A" confirmed.

2. The By-laws of the Corporation of the City of London specified in Schedule "B" hereto, and all debentures to be issued thereunder and all assessments to be made therefor, are confirmed and declared to be legal, valid and binding.

By-laws specified in Sched. "B" confirmed.

3. The Corporation of the City of London shall be entitled, out of the proceeds of the \$60,000 debentures authorized by By-law Numbered 2,919 to be issued, which was confirmed and validated by *The City of London Act, 1907*, to apply the balance thereof which shall not be required to pay for the extensions to the sewerage system mentioned in the said By-law Numbered 2,919, to the extent of \$2,710 to pay for the extension to the said sewerage system, made in 1907, along Ridout Street from Grand Avenue to Emery Street, to the extent of \$700 to pay for the extensions to the said sewerage system, made in 1907, along Rectory Street and the Hamilton Road, and to pay for a further extension to the said sewerage system to be made in Rectory Street from the Hamilton Road to Simcoe Street.

Authority to appropriate part of moneys raised under By-law 2,919 to certain extensions of sewerage system.

4. The Easterly half of that portion of Waterloo Street in the said City of London, which lies between South Street and Nelson Street, shall be, and the same is, hereby stopped up and closed, and shall forever cease to be a highway, and the same shall be, and is hereby, vested in the Corporation of the City of London, their successors and assigns, for hospital purposes.

Authority to close up part of Waterloo St. and use same for hospital purposes.

Surrender of
certain lands
for Hygienic
Institute.

5. The Corporation of the City of London is hereby authorized and empowered to surrender to His Majesty the King, for the purpose of the erection thereon of an Hygienic Institute, such part of lot number seven on the south side of East South Street or such part of its other hospital lands in the said City of London, as the Council of the said Corporation may see fit.

Short title.

6. This Act may be known and cited as *The City of London Act, 1908*.

SCHEDULE "A."

List of By-laws providing for the issue of debentures by the Council of the City of London, passed on the twenty-eighth day of December, A.D. 1907.

| No. of By-law. | Nature of work under By-law. | Amount of debt created. | Amount to be borne by City. | Amount by Ratepayers. | Time. | Rate. |
|----------------|--|-------------------------|-----------------------------|-----------------------|-----------|----------------|
| 3155 | Local improvement debentures to defray the cost of certain cement sidewalks, kerbs and gutters constructed in the year 1907..... | \$49,540 70 | \$29,194 24 | \$20,346 46 | 10 years. | Five per cent. |
| 3156 | Local improvement debentures to defray the cost of certain pavements constructed in the year 1907..... | 13,763 57 | 2,057 67 | 11,705 90 | 10 years. | Five per cent. |
| 3157 | Local improvement debentures to defray the cost of certain tile sewers constructed in the year 1907..... | 31,621 63 | 8,723 47 | 22,898 16 | 10 years. | Five per cent. |
| 3158 | To consolidate the several issues of debentures referred to in By-laws Numbered 3,155, 3,156 and 3,157, and to provide for raising by debentures the City's share of the cost of the improvements in the said By-laws mentioned, which is to be raised by special rate | 94,925 90 | 39,975 38 | 54,950 52 | 10 years. | Five per cent. |

SCHEDULE "B."

List of By-laws providing for the issue of debentures of the Council of the City of London, passed on the third day of February, A.D. 1908.

| No. of By-law. | Object of By-law. | Amount of debt created. | Time. | Rate. |
|----------------|---|-------------------------|-----------|----------------------------|
| 3169 | To issue \$19,000 debentures for the cost of building and equipping Fire Halls in the north and east ends of the City | \$19,000 00 | 30 years. | Four and one-half per c't. |
| 3170 | To issue \$6,000 debentures to pay towards the cost of lands and buildings for a Sanatorium for Consumptives. | 6,000 00 | 30 years. | Four and one-half per c't. |
| 3171 | To issue \$235,000 debentures for the cost of a plant to distribute electric power. | 235,000 00 | 30 years. | Four and one-half per c't. |

CHAPTER 90.

An Act respecting The London and Middlesex Sanatorium for Consumptives.

Assented to 14th April, 1908.

WHEREAS the Corporations of the City of London Preamble. and County of Middlesex are desirous of having established near the City of London, in the County of Middlesex, a Home or Sanatorium (hereinafter called Sanatorium), for the isolation, treatment and cure of persons affected with pulmonary disease, and of having the said Sanatorium erected and managed by a Board of Trustees, with the powers hereinafter set forth, and have prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. There may be erected and established near the City of London, in the County of Middlesex, by a Board of Trustees, to be called "The Board of Trustees of the London and Middlesex Sanatorium for Consumptives," a Sanatorium for the isolation, treatment and cure of persons affected with pulmonary disease, and the general management of the said Sanatorium shall be vested in, and exercised by, the said Board (hereinafter called the Board). Erection of sanatorium for treatment of pulmonary disease authorized.

2. The Board shall be a body politic and corporate, and shall be composed of five members, three of whom shall be appointed by the Council of the Corporation of the City of London, and two by the Council of the Corporation of the County of Middlesex. Incorporation of Board of Trustees.

3. The Board shall have power to establish, equip, maintain and conduct in such place within Ontario near the City of London, as may be decided upon, a Sanatorium for the isolation, treatment, and cure, of persons affected with Powers of Board.

with pulmonary disease, and power to acquire by gift, purchase or otherwise, moneys and property, and to hold for the use of the said Sanatorium, moneys and personal property of all kinds, also such real property as may be necessary for the purposes of the Sanatorium.

Authority to pass by-laws for certain purposes.

4. The Board shall have power to make by-laws for the following purposes: For the reception, isolation, treatment and dismissal of patients in the Sanatorium hereby authorized; the employment, training and discipline of medical, surgical and other attendants, nurses and officials; the attendance upon and visitation of patients by members of the medical profession, or of scientific or educational institutions or faculties, and for all other things pertaining to the management and conduct of the Sanatorium, for the management of all the properties and moneys of the Board, including the investment of moneys, the variation and calling in of investments, and the reinvestment thereof, the expenditure of the proceeds of investments, and of all other moneys available for the support and maintenance of the Sanatorium, for regulating the meetings and proceedings of the Board, and for determining the number of trustees required to constitute a quorum, and generally for the administration of all the affairs of the Sanatorium, provided that nothing herein contained shall permit the confinement of any person against his will in the Sanatorium hereby authorized.

Appointment of additional trustees.

5. In addition to the trustees appointed as provided for by section 2 hereof, other trustees may be appointed by by-law from time to time by the Board, after the consent by resolutions of the Councils of the Corporation of the City of London, and of the Corporation of the County of Middlesex, have been given, for limited terms of service, to represent municipalities and persons granting financial assistance to the Board, and by-laws may be passed by the Board from time to time, subject to the consent aforesaid being first obtained, for determining and regulating the number, qualifications, mode of appointment rights of vacating, and terms of service of such trustees.

Term of office of trustees.

6. The members of the Board appointed by the Councils of the Corporation of the City of London, and of the Corporation of the County of Middlesex, shall hold office for one year, and shall be chosen at the first meetings of the Councils in each year, except the members first appointed who may be appointed at any time after the passing of this Act, and who shall hold office until their successors are appointed at the first meetings of the said Councils thereafter.

7. Every such member shall continue in office until his successor is appointed, and any such member whose term of office has expired may be re-appointed.

Trustees to continue in office until election of successors.

8.—(1) The members of the first Board within ten days after their appointment, and on such day and hour and at such place as the Mayor of the City of London shall appoint (notice of the appointment in writing signed by the mayor, having been duly sent to the address of each member at least one week before the day and hour named therein), shall meet for the purpose of organization, and shall elect one of their number chairman, and shall appoint a secretary, who may be either one of their own members or any other person whom they may select.

First meeting of Board.

(2) When the chairman or secretary is absent or unable to act, the Board may appoint a chairman or secretary *pro tempore*.

9.—(1) The Board shall meet at least once every two weeks, and at such other times as they may think fit.

Meetings of Board and conduct of business.

(2) The chairman or any two members of the Board may summon a special meeting of the Board by giving at least two days' notice in writing to each member specifying the purpose for which the meeting is called.

(3) No business shall be transacted at any special or general meeting unless three members are present.

(4) All orders and proceedings of the Board shall be entered in books to be kept by them for that purpose, and shall be signed by the chairman for the time being.

10. The Board shall have power to accept donations in cash or securities and to agree with the donors to pay interest upon the amounts so received by them, at a rate to be agreed upon, during the lifetimes of the donors or for such other time as may be agreed upon between the Board and the donors.

Donations.

11.—(1) In case of a vacancy by the death or resignation of a member or from any cause other than the expiration of the time for which he was appointed, a member appointed in his place shall hold office for the remainder of the term.

Vacancies in Board.

(2) In case a member appointed by the Council of the Corporation of the City of London vacates his office as aforesaid, the Council of the said City shall appoint a person to fill the vacancy, and in case a member appointed by the Council of the Corporation of the County of Middlesex vacates his office as aforesaid, the Council of the Corporation

poration of the said County shall appoint a person to fill the vacancy.

Councils of
City and
County author-
ized to agree
with Board as
to amounts to
be paid.

12. The Councils of the Corporation of the City of London and the Corporation of the County of Middlesex may agree with the Board upon the amounts to be paid by them respectively to the Board for the cost of acquiring the necessary lands and erecting the necessary buildings for the said Sanatorium, and also upon the amounts to be paid by them respectively towards the cost of the maintenance and repair of the said Sanatorium for such time as they may see fit, and may pay the same accordingly.

County author-
ized to borrow
\$4,000 to pay
its share of
acquiring
lands, etc., for
Sanatorium.

13.—(1) The Council of the Corporation of the County of Middlesex may raise the sum of \$4,000 by way of loan, for the purpose of providing their share of the cost of purchasing the necessary lands and erecting thereon the necessary buildings for said Sanatorium, and may pay the same to the Board for the purposes and with the object aforesaid, and may issue debentures therefor payable within such time, not longer than ten years from the date thereof, and at such rate of interest, not exceeding five per cent. per annum, as the said Council shall see fit.

Assent of elect-
ors required.

(2) No by-law shall be finally passed under the provisions of this section until the same has been submitted to the electors and has received the assent of a majority of the electors voting thereon in the manner provided by *The Consolidated Municipal Act, 1903*, with respect to by-laws for the creation of debts.

(3) The persons qualified to vote on such by-law shall be those electors of the county qualified to vote on by-laws for the creation of debts.

(4) Any such by-law may provide for the publication thereof once a week for four successive weeks in the newspapers published in the City of London, in the County of Middlesex known as *The London Advertiser* and *The London Free Press*.

Payment of
cost of patients
sent to Sana-
torium by
County or City.

14. The Council of the Corporation of the City of London, and the Council of the Corporation of the County of Middlesex, may also agree with the Board to pay to the Board from time to time, the actual cost of each patient who may be sent by the said Councils respectively to the said Sanatorium, such cost to be arrived at by deducting from the total cost the amount of the Government grant, if any, and may pay the same accordingly.

Treasurer of
City to be
Treasurer of
Board.

15. The Treasurer of the City of London for the time being shall be the Treasurer of the Board.

16. The plans of the said Sanatorium and of any additions or alterations thereto shall be submitted to the Provincial Secretary who shall submit the same to the Provincial Board of Health for report. Upon receiving the report of the Provincial Board of Health, the Provincial Secretary may approve of such plans, subject, however, to such modifications and alterations as he may think best.

Plans of Sanatorium to be submitted to Provincial Secretary.

17. The Sanatorium established under the provisions of this Act shall be subject to the regulations to be made under section 11 of *An Act respecting Municipal Sanatoria for Consumptives*, passed in the 63rd year of Her late Majesty's reign, Chaptered 57.

Application of 63 V. c. 57, s. 11, to Sanatorium.

18. Notwithstanding the provisions of *The Consolidated Municipal Act, 1903*, the municipal council of any municipality of this Province may from time to time contribute out of the funds of the municipality to the funds of the Board, such amounts as the said Council may deem right.

Contributions from other municipalities authorized.

CHAPTER 91.

An Act respecting the Village of Markdale.

Assented to 14th April, 1908.

Preamble.

WHEREAS the Municipal Corporation of the Village of Markdale has by petition represented that The Markdale Furniture Company, Limited, has been incorporated with a capital of \$40,000, for the purpose of manufacturing, buying, selling and dealing in furniture, wood-ware, and other wood products, and has agreed to acquire what is commonly known as The Armstrong Brothers' Mill property in the said Village and establish a furniture factory thereon upon the condition that the said Corporation subscribe for and purchase one thousand shares, of the par value of \$10 each, of the capital stock of the said Company, and fix the assessment of all the property of the said Company including business assessment for all purposes except school rates at one thousand dollars a year for ten years from the first day of January, 1908; that out of two hundred and one ratepayers of the said Corporation qualified to vote on money by-laws, one hundred and sixty-four have petitioned the Council of the said Corporation requesting it to enter into an agreement with the said Company to purchase stock and fix the assessment as aforesaid; that in pursuance of the said petition the Council did enter into an agreement with the said Company which is set out in Schedule "A" hereto; that a number of local business men have agreed to subscribe and have subscribed for stock in the said Company upon the understanding and agreement that the Corporation would subscribe for the stock as above set out; that there is as yet no person, persons, or company engaged in the manufacture of furniture, woodenware, or wood products at Markdale although the situation and circumstances connected with the establishing of such an industry are exceptionally favourable; that the establishment of such an industry will necessitate the employment of at least fifty workmen and materially assist in the development of the Village; and whereas the said Corporation has prayed that

an

an Act may be passed to validate and confirm the said agreement and to authorize the borrowing of \$10,000 by the issue of debentures for the purpose aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subject to the provisions hereinafter contained the agreement between The Markdale Furniture Company, Limited, and the Corporation of the Village of Markdale set out in full in Schedule "A" hereto is confirmed and declared to be legal, valid and binding on the said Corporation and the said Company.

Agreement in
Schedule "A"
confirmed.

2. The assessment of all the property and business of the said Company in the Village of Markdale now or hereafter acquired, and all additions and improvements there- to for all purposes except school taxes is hereby fixed at one thousand dollars a year for ten years from the first day of January, 1908.

Assessment of
property of
Company fixed
at \$1,000 for
ten years.

3. The Corporation of the Village of Markdale may borrow a sum not exceeding \$10,000, and for that purpose may pass a by-law providing for the issue of debentures in such sums not less than one hundred dollars and not exceeding in the whole ten thousand dollars and payable at such places as the Corporation may deem expedient.

Authority to
borrow \$10,000
to purchase
stock in
Company.

4. A portion of the said debentures shall be made payable in each year for a period not exceeding thirty years from the date of the issue thereof so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged; interest thereon being payable yearly at a rate not exceeding five per cent. per annum.

Debentures—
how payable.

5. The said Corporation shall levy in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the said debentures and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them.

Special rate

6. The said debentures and all moneys arising therefrom shall be applied by the said Corporation in the purchase of one thousand shares of the par value of ten dollars each of the capital stock of The Markdale Furniture Company, Limited, and for no other purpose.

Application of
proceeds of
debentures.

Assent of rate-
payers not
necessary.

7. It shall not be necessary to obtain the assent of the ratepayers of the said Village to the passing of the By-law authorized by this Act or to observe any of the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*.

No irregularity
in By-law or
debentures to
invalidate.

8. Any provisions of *The Consolidated Municipal Act, 1903*, inconsistent with the provisions of this Act shall not apply to any by-law authorized by this Act and no irregularity in the form of the said debentures or any of them or of the By-law authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence in any action which may be brought against the said Corporation for the recovery of the said debentures or interest or any part thereof; and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing the By-law or issuing the debentures or as to the application of the proceeds thereof.

Election of
director by
Village.

9.—(1) Notwithstanding anything contained in the Letters Patent incorporating the said Company the said Corporation so long as it holds at least five hundred shares of the said stock may from time to time by by-law elect one director of the said Company who shall hold office during the pleasure of the Council of the said Corporation, but shall not be required to hold any stock in the said Company or possess any other qualification as a director.

Reeve to re-
present Village
at meetings of
shareholders.

(2) The Reeve of the said Corporation may represent the stock held by the said Corporation at all meetings of the shareholders of the said Company and may vote upon all questions except the election of directors.

Stock to be
held in trust
for payment of
debentures.

10. The said stock when purchased shall be held upon and the same is hereby impressed with a trust for the payment of the debentures issued under the authority of this Act.

Power to sell
stock.

11. The said Corporation may from time to time by a vote of two-thirds of the whole Council sell and dispose of the said stock or any part thereof and the proceeds of such sale shall be applied in the payment of the said debentures and the interest thereon and so much of the proceeds as is not immediately required for the payment of the said debentures and the interest thereon shall be deposited at interest in some chartered bank until the same is required for the said purpose.

Reduction of
special rate.

12. The amount required to be raised by special rate in each year for the payment of the said debentures and interest shall be reduced by the dividends on or proceeds from the sale of the said stock and it shall only be necessary to
levy

levy such special rate as will with such dividends or proceeds be sufficient to raise the amount falling due in each year in respect of the said debentures and interest.

13. It shall be the duty of the Treasurer of the said Corporation to keep, and it shall be the duty of each of the members of the Council of the said Corporation to procure such Treasurer to keep and see that he does keep, a proper book of account showing the number of debentures which may be issued from time to time, the amounts thereof, and the times when they become due and payable and the several amounts realized from the sale of or from dividends on the said stock and the application of the said amounts; and the said book of account and statement shall be open to the inspection of any ratepayer and of any holder of any of the said debentures.

Treasurer to
keep proper
books of
accounts

SCHEDULE "A."

This indenture made the third day of December, 1907, between The Markdale Furniture Company, Limited, hereinafter called the "Company," of the first part, and the Corporation of the Village of Markdale, hereinafter called the "Corporation," of the second part.

Whereas the Company has lately been incorporated with a share capital of forty thousand dollars for the purpose of manufacturing, buying and selling and dealing in furniture, woodenware and other wood products, and the said Company has agreed to acquire what is known as "the Armstrong Bros." mill property, and establish a furniture factory in Markdale, in consideration of the said Corporation subscribing for ten thousand dollars of the share capital of the said Company;

And whereas a very large majority of the ratepayers duly qualified to vote on money by-laws have by petition requested the Council of the said Corporation to enter into an agreement to subscribe for and purchase one thousand shares (of the par value of ten dollars each) of the capital stock of the said Company, and the said Council deem it expedient to subscribe for said stock.

Now this indenture witnesseth that the said Company and Corporation mutually covenant, promise and agree to and with each other as follows:—

(1) The said Corporation agree that upon the Company proving to the satisfaction of the Council of the said Corporation that the said Company has acquired the Armstrong Bros. factory premises and has placed plant and machinery therein sufficient for the purposes of the Company and have the same in operation, the said Corporation will subscribe for and purchase from the Company one thousand shares of the capital stock of the said Company, amounting to ten thousand dollars.

(2) The said purchase of stock to be subject to the following conditions:—

(a) That no action shall be taken by the said Council to carry this agreement into effect unless and until a petition signed by at least two-thirds of the electors of the said Municipality duly qualified to vote on money by-laws shall be presented to the said Council, requesting the said Council to purchase the said stock, and to apply for legislation validating this agreement and authorizing the purchase of the said stock.

(3) The Corporation shall make an application to the Legislature during the session of 1908 for a special Act ratifying and confirming this agreement and authorizing the said Corporation to pass a by-law, without submitting the same to the electors, providing for the issue of debentures of the said Corporation for an amount sufficient to raise the money required to purchase said one thousand shares of the capital stock of the said Company.

(4) The Corporation and the Company agree each with the other that they will join in asking to have inserted in the said special Act a clause amending the Company charter, and providing that so long as the Corporation hold the said ten thousand dollars of stock of the said Company, the Municipal Council of the said Corporation shall have power from time to time by by-law to elect one director of the said Company who shall hold office during the pleasure of the Council, and such director shall not be required to hold any stock or have any qualification, and that the Reeve of the said Municipality be authorized to represent the said stock so held by the Municipality at all meetings of shareholders of the said Company, and to vote upon all questions except the election of directors.

(5) The said Corporation agree for the purpose of all taxation, except school taxes, to fix the assessment of all the property of the said Company, and of all subsequently acquired property of the said Company, at a total assessed value, including business assessment, of one thousand dollars for a period of ten years from the first day of January, 1908.

(6) The Company agree to pay all costs, expenses and charges in connection with or incidental to this agreement and the special Act ratifying and confirming this agreement and authorizing the issue of debentures as above set out.

(7) The Corporation shall have the right at any time to appoint an auditor to examine into the affairs of the said Company and report to the said Corporation, and the said Company shall submit to such auditor all such books, accounts, statements, vouchers and other documents, information and material as he may require or demand, and shall facilitate the work of such auditor in every way so as to enable him to make a complete and full report upon the standing and position of the Company.

In witness whereof the President and the Secretary of the said Company have hereunto set and subscribed their hands and affixed the corporate seal of the said Company, and the Reeve and the Clerk of the said Corporation have hereunto set and subscribed their hands and affixed the corporate seal of the said Corporation.

Signed, sealed and delivered,
in the presence of
(Sgd.) R. J. GILFILLAN.

{ (Sgd.) H. MERCER.
(Sgd.) W. TURNER.
(Sgd.) J. H. STEPHENSON,
Reeve.
(Sgd.) A. MACPHERSON,
Clerk.

Seal.

CHAPTER 92.

An Act to confirm By-law No. 288 of the United Townships of McLean and Ridout.

Assented to 14th April, 1908.

WHEREAS the Municipal Corporation of the United Townships of McLean and Ridout has petitioned praying that an Act may be passed to confirm and legalize a by-law of the said Corporation passed on the 13th day of January, 1908, numbered 288, being a by-law to fix the assessment of the Canada Railway News Company, Limited, in said Township of Ridout, a copy of which said by-law is contained in the Schedule to this Act; and whereas it has been shown that before passing said by-law a petition signed by a majority of the ratepayers of said Townships was presented to the Municipal Council thereof, praying that the assessment of the said Company be fixed; and whereas the said Corporation has by said petition represented that the building up of an extensive summer tourist business on the Lake of Bays would be of great benefit to the residents of said Townships, that the erection of a large summer hotel and of cottages as proposed by the Canada Railway News Company, Limited, in said Township of Ridout would materially assist in the early development of such business on and adjacent to said lake; that the said lake is admirably adapted for such a business; and that in fixing the assessment of the said Company according to the terms of said by-law, the said Municipal Corporation are encouraging the establishment of a business likely to lead in the near future to the purchase of sites and the erection of desirable summer residences and other hotels on the shores of said lake, and the collection of a much increased revenue in taxes therefrom; and whereas it is expedient to grant the prayer of the said petition subject to the provisions of this Act;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subject to the provisions hereinafter contained, By-law No. 288 of the Municipal Corporation of the United Townships of McLean and Ridout.

Townships of
McLean and
Ridout
confirmed.

United Townships of McLean and Ridout, set out in the Schedule hereto, is hereby confirmed and declared legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof, notwithstanding any want of jurisdiction in the Municipal Council or Corporation to pass such by-law, and notwithstanding any defect in substance or in form of the same or in the manner of passing the same.

Assessment
for school
purposes.

2. Notwithstanding anything in the said by-law contained, the property therein mentioned shall for school purposes be subject to assessment and taxation in the same manner and to the same extent as if the said by-law had not been passed.

Fixed assess-
ments to be
for ten years.

3. The fixing of the assessment of the said property shall be for the term of ten years from the 1st day of January, 1908, instead of for the period of fifteen years mentioned in the said by-law.

Cottages not to
be included
in fixed
assessment.

4. Any cottages or other buildings for the accommodation of guests hereafter erected upon the lands described in the by-law except the hotel and buildings to be erected during the year 1908, shall be assessed and be liable to taxation in the same manner and to the same extent for all purposes as if the said by-law had not been passed.

SCHEDULE.

BY-LAW No. 288.

A By-law to fix the assessment of the Canada Railway News Company, Limited.

Whereas, the Canada Railway News Company, Limited (hereinafter referred to as "The Company,") propose to purchase certain lands, namely, lots numbers twenty-two and twenty-three in the thirteenth concession of the Township of Ridout, and to erect thereon a large summer hotel and cottages, suitable for tourist business;

And whereas, a petition praying for fixing, at a stated sum, the assessment of the said lands and buildings and fixtures, erected, or to be erected thereon when owned by the said Company has been signed by a large majority of the ratepayers of the Townships of McLean and Ridout;

Therefore, the Municipal Corporation of the United Townships of McLean and Ridout, enacts as follows:—

From and after the first day of January, one thousand nine hundred and eight, and continuously for a term of fifteen years, the said lands (including water lots next or adjacent thereto) and all buildings, wharves, erections, machinery, plant and fixtures built or placed, or to be built or placed thereat or thereon during said term, and owned or used by the said Company its successors or assigns, shall be assessed in each year of the said term, at the fixed sum of five thousand dollars, and such sum shall include business assessment under *The Assessment Act*. The said assessment is fixed at said sum for all purposes, including school rates, and the said Company

Company, its successors or assigns, shall not, during the said period, be liable for statute labor or for taxes for general municipal and school purposes in respect of the said property, or the business there carried on other than those taxes payable from time to time on the said fixed assessment.

Passed in Council, this thirteenth day of January, 1908.

(Sgd.) RICHARD PIPER, *Reeve.*

(Sgd.) W. H. BROWN, *Clerk.*

(Seal.)

CHAPTER 93.

An Act respecting the Town of Meaford and The Seaman, Kent Company, Limited.

Assented to 14th April, 1908.

Preamble.

WHEREAS the Corporation of the Town of Meaford has by petition represented that under By-law No. 20 for 1902, of the said Town, and the agreement therein mentioned, dated 21st April, 1902, between the said Town and The Seaman, Kent Company, Limited, the said Corporation granted the said Company a loan of \$12,000 repayable with interest as therein mentioned in consideration whereof the Company erected and completed all buildings, machinery and plant as required by the said agreement; and that on 18th November, 1907, the greater portion of the Company's buildings and plant was destroyed by fire and the Company has applied to the Corporation for assistance in rebuilding their said factory and plant on a much larger scale than the building and plant destroyed by fire as aforesaid; and the Corporation has among other things agreed to relieve the Company of payment of the unpaid balance of principal money and interest of the said loan in consideration of the Company rebuilding their said factory, as more fully set forth in By-law No. 45, A.D. 1907, of the said Town, hereinafter mentioned; that the said Company has proceeded with the rebuilding of the said factory and the main buildings thereof are now substantially rebuilt; that the rebuilding of the said Company's factory in the said Town will greatly benefit the citizens of the said Town and give employment to a large number of hands; that the said By-law was submitted to the vote of the ratepayers entitled to vote thereon on January 6th, 1908, when 362 voted in favour of the said By-law and 97 against the same; that 522 persons were entitled to vote thereon and that at least two-thirds of such ratepayers assented thereto; and whereas doubts have arisen as to the legality of the said By-law No. 45 A.D. 1907; and whereas the said Corporation has prayed that the said By-law No. 45, A.D. 1907, and the agreement therein mentioned between the said Corporation and the said Company dated
December

December 3rd, 1907, may be confirmed and declared legal and valid; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 45, A.D. 1907, of the Corporation of the Town of Meaford, and the agreement contained in the schedule to the said By-law and set out in Schedule "A" to this Act, are hereby confirmed and declared legal, valid and binding, and the said Corporation is hereby empowered to do all necessary acts for the full and proper carrying out of the By-law and agreement.

By-law No. 45 of 1907, and agreement confirmed.

2. Nothing in this Act contained shall affect the disposition of the costs of any proceedings heretofore taken to quash the said by-law, but the said costs shall be payable by the same persons and in the same manner as if this Act had not been passed.

Costs of proceedings not affected.

SCHEDULE "A."

The Corporation of the Town of Meaford, By-law No. 45, A.D. 1907, to authorize the granting of a bonus to the Seaman, Kent Company, Limited.

Whereas an agreement bearing date the third day of December, 1907, has been made and entered into between the Seaman, Kent Company, Limited, therein and hereinafter called the Company of the one part, and the Corporation of the Town of Meaford, therein and hereinafter called the Corporation of the other part, which said agreement is incorporated in this by-law and set forth in the Schedule hereto;

And whereas in order to fulfil the terms of the said agreement the Corporation require to make provision for paying the annual instalments of \$882.98 for principal and interest hereafter falling due on account of the debt created by and under the authority of By-law No. 20, A.D. 1902;

And whereas the total amount required to be raised annually by special rate for paying the unpaid balance of the said debt (now amounting to \$9,817.32) and interest as hereinafter provided is \$882.98;

And whereas the amount of the whole rateable property of the said Municipality according to the last revised assessment roll thereof is \$805,071 (exclusive of property assessed at \$190,270 liable for school taxes only);

And whereas the amount of the existing debenture debt of the said Municipality is \$161,888.29, whereof there are no arrears of either principal or interest;

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Meaford, and it is hereby enacted as follows:—

1. It shall be lawful for the Corporation of the Town of Meaford to enter into the said agreement set forth and contained in the said

said Schedule to this By-law, and to perform and fulfil all the covenants and obligations on the part of the Corporation therein contained.

2. During the currency of the said debentures there shall be raised annually by special rate on all the rateable property in the said Town of Meaford the sum of \$882.98 for paying the amount due in each of the said years for principal and interest in respect of the said debt as shewn in the Schedule to By-law No. 20, A.D. 1902.

3. This by-law shall come into force and take effect on the final passing thereof.

4. The vote of the electors of the said Town shall be taken on this By-law at the following times and places, that is to say, on Monday, the 6th day of January, 1908, commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day by the following Deputy-Returning Officers:—

In the North Ward.—In the Fire Hall, by Mr. Samuel McClain as Deputy Returning Officer, and Mr. William Lang, Poll Clerk.

In the East Ward.—At the office of C. H. Jay, Exchange Building, by Mr. C. H. Jay, as Deputy Returning Officer, and Mr. James Hair, Poll Clerk.

In the West Ward.—At W. B. Treleaven's store on Trowbridge Street, by Mr. William Lewis as Deputy Returning Officer, and Mr. Robert Glover, Poll Clerk.

5. On the 4th day of January, 1908, the Mayor shall attend at the Council Chamber at ten o'clock in the forenoon to appoint persons to attend at the various polling places as aforesaid and at the final summing up of the votes by the Clerk on behalf of the persons interested in and promoting or opposing the passing of this by-law respectively.

6. The Clerk shall attend at the Council Chamber at the hour of eleven o'clock in the forenoon of Tuesday, the 7th day of January, 1908, to sum up the number of votes for and against this by-law.

Passed, signed and sealed in Council assembled this 17th day of February, A.D. 1908.

J. W. HORSLEY,
Mayor.

GEO. G. ALBERY,
Town Clerk.

(Seal.)

SCHEDULE TO BY-LAW No. 45, A.D. 1907.

This indenture made in duplicate the third day of December, 1907, between The Seaman, Kent Company, Limited (hereinafter called the Company), of the first part, and the Corporation of the Town of Meaford (hereinafter called the Corporation), of the second part.

Whereas on November 19th, 1907, the greater portion of the Company's factory building, machinery and plant, built in pursuance of the agreement (hereinafter called "the original agreement") between the said parties, dated 21st April, 1902, were partially destroyed by fire;

And whereas the Company has agreed to rebuild their factory buildings and continue their said business at the said Town on the terms and conditions hereinafter mentioned;

Now this indenture witnesseth that the parties hereto mutually covenant and agree, each with the other of them, their successors and assigns, respectively, as follows:—

1. The Company agrees to erect and build within four months from the date hereof (weather conditions permitting) upon the lands heretofore used by the Company a substantial modern factory of brick and cement concrete, as nearly fire-proof as may be, the main building

building being at least 75 feet wide and 250 feet long, together with boiler and engine house, also dry kilns and other necessary out-buildings, and to place therein all necessary engines of at least 300 horse power and other machinery necessary and proper for the full and efficient equipment and operation of the said factory, and to instal therein a modern "sprinkler system" fire extinguishing apparatus, the whole to cost not less than \$60,000, and if any dispute arise as to the cost thereof, the cost shall be determined in the manner provided in clause 1 of the original agreement.

2. Upon the erection and completion of the said factory buildings, and the same being equipped with engines, machinery and appliances as hereinbefore mentioned and provided, the Company shall deposit with the Corporation a declaration or certificate of such completion, and within thirty days thereafter the Company shall be entitled to the insurance moneys payable in respect of the said fire on November 19th, 1907, provided all liens, charges and incumbrances (if any) on said buildings, machinery and plant have been paid and satisfied.

3. The Company agrees to insure and keep insured against loss or damage by fire in insurance companies to be approved by the Corporation, their building, plant and machinery to the full insurable value thereof, and in case of default the Corporation may insure and charge the premiums to the Company, and such insurance shall be payable to the Corporation as their interests may appear.

4. The Company agree to run and operate the said factory and business, and to continually employ not less than the number of employees (namely, 98) now employed by them for fifteen years from the date of completion of the said factory.

5. The mortgage executed by the said Company to the Corporation pursuant to clause 3 of the original agreement shall in all respects remain in full force and effect and binding on the mortgagors therein named: provided, however, that on the first day of August in each year hereafter, if it shall be found by the Corporation that the Company during the year expiring on the 31st day of July, then last preceding, have fully and completely complied with and fulfilled all covenants and agreements on their part in the original agreement and in this agreement contained and mentioned, the Corporation will accept such fulfilment of the Company's covenants as equivalent to the payment by the Company and in satisfaction of the annual instalment of \$882.98 of principal and interest then payable under the said mortgage and the original agreement, and in case of the partial fulfilment of the Company's covenants or obligations the allowance therefor on account of the said annual instalment shall be ascertained and determined as the parties shall mutually agree, or in case of disagreement the same shall be settled by arbitration as provided for in clause 1 of the original agreement.

6. The Corporation will allow the Company to connect their water pipes with the water mains (opposite the said factory buildings) of the Corporation for all hydrant, sprinkler system and other appliances which the Company may place on their premises for fire protection only, subject to all the regulations and by-laws of the Corporation in force from time to time upon the understanding that no charge shall be made to the Company for water used only for fire protection. but the Company shall pay such rates as may be mutually agreed upon for water used for all other purposes.

7. The Company shall be entitled to the exemption from taxation (except taxation for school taxes) to the extent and upon the conditions mentioned in clause 8 of the original agreement, and on and after January 1st, 1913, the said exemption shall cease and the Company shall be liable to all general taxes and rates.

8. The Corporation agrees to submit a by-law to the electors of the said Municipality as soon as possible after the execution of these presents for the purpose of obtaining the assent of the electors

electors to this agreement, and the Company agrees to bear all expenses in connection with obtaining any special legislation or private Act that may be required to authorize or validate the said by-law and this agreement.

9. It is understood and agreed that this agreement shall not be operative and binding upon the parties hereto unless and until the assent of the electors shall have been obtained to the passing of the said by-law, and in the event of such by-law failing to receive the assent of the electors as aforesaid the rights of the Corporation and the Company under the original agreement shall not be prejudiced or affected by this agreement.

10. The provisions of the original agreement shall continue in force and binding upon the parties hereto except as the same are amended or altered by this agreement, and the words or phrase "at the option of the Company of the first part" contained in clause 4 of the original agreement are to be struck out and expunged. And in case of the total or partial destruction of the said factory buildings by fire hereafter before the 1st day of August, A.D. 1922, it shall not be optional with the Company to rebuild, but the Company will within three months from the date of destruction commence to rebuild the said factory buildings, or such portion thereof as may be destroyed, and re-fit and re-equip the same with all necessary engines and machinery equal in capacity and value to the buildings, engines and machinery so destroyed; and upon such factory buildings being rebuilt, completed and refitted, the Corporation shall pay to the Company the insurance moneys payable in respect of such loss, or apply the same at the option of the Corporation on arrears (if any) under said mortgage; provided that the Company shall not be bound to rebuild as aforesaid unless the Corporation shall at the time of such fire have their waterworks fire appliances up to the standard of efficiency required by the Board of Fire Insurance Underwriters for the class in which the town shall then be classed; and the Corporation covenant and agree that the said waterworks fire appliances will continuously be kept up to the standard of efficiency for the class in which the town shall from time to time be classed; and the Company agree to take or use all necessary and reasonable precautions against fire in their said factory buildings and property.

In witness whereof the proper officers of the Company and Corporation respectively have signed these presents, and the corporate seals of the Company and Corporation have been affixed

THE SEAMAN, KENT COMPANY, LIMITED,
By FRANK KENT,
Vice-President.
By J. A. SINCLAIR,
Sec.-Treas.

(L.S.)

Signed, sealed and delivered in the presence of (as to execution by the Seaman, Kent Company, Limited),
C. T. SUTHERLAND.

THE CORPORATION OF THE TOWN OF MEAFORD,
By J. W. HORSLEY,
Mayor
By GEO. G. ALBERY,
Clerk.

(L.S.)

(As to execution by the Corporation of the Town of Meaford),
C. T. SUTHERLAND.

CHAPTER 94.

An Act respecting the Town of Midland.

Assented to 14th April, 1908.

WHEREAS the Corporation of the Town of Midland Preamble has by petition represented that By-law No. 655 of the said Corporation was duly passed for the purpose of confirming an agreement with the Canada Iron Furnace Company, Limited, set out in full in the Schedule to the said by-law, after having been submitted to the duly qualified ratepayers of the said municipality and approved of in accordance with the provisions of *The Municipal Act* in that behalf, 389 ratepayers voting for the said by-law and 82 against the same, and it is desired to confirm the said by-law and agreement and the assessment placed on the lands and works of the said Company; and whereas the said Corporation has by its said petition represented that during the year 1905 a considerable overdraft was incurred in connection with certain sewer and other works, which said overdraft has since been reduced to the sum of \$8,850 and the said Corporation has passed By-law No. 670 for the purpose of issuing debentures to pay off the said overdraft and extend the payment thereof over a period of years, and such by-law having been submitted to the duly qualified ratepayers of the said municipality was approved of in accordance with the provisions of *The Municipal Act*, and it is desired to confirm the said by-law and the debentures to be issued thereunder; and whereas by By-law No. 618 of the said Corporation provision was made for the payment to the said Corporation of certain moneys expended in making private sewer connections by the persons benefited thereby, but no provision was made for the issue of debentures for that purpose, and By-law No. 672 has been passed by the said Corporation authorizing the issue of such debentures and it is desired to confirm the said by-law and the debentures to be issued thereunder; and whereas the said Corporation have prayed that the said By-laws Numbers 655, 670, and 672, set forth in Schedules "A," "B" and "C" to this Act be validated and confirmed for the purposes hereinbefore recited; and whereas it is expedient to grant the prayer of the said petition:

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-Law No 655
confirmed.

1. Subject to the provisions of section 2, By-law No. 655 of the said Corporation set out in Schedule "A" hereto, is confirmed and declared to be legal, valid and binding on the said Corporation and the ratepayers thereof and on the said company.

Assessment
for school
purposes and
local improve-
ments.

2. Notwithstanding anything contained in the said By-law No. 655, or in the agreement set out in the Schedule thereto, the property of the said company shall, for school purposes and local improvements, be assessed and taxed as though the said by-law had not been passed.

By-laws Nos.
670 and 672
confirmed.

3. By-laws Numbers 670 and 672 of the said Corporation set out in Schedules "B" and "C" hereto, are ratified and confirmed and declared to be legal, valid and binding on the said Corporation, and the ratepayers thereof.

SCHEDULE "A."

BY-LAW No. 655.

A By-law to confirm an agreement with The Canada Iron Furnace Company, Limited, and to fix the assessment of the said Company in the Town of Midland.

Whereas the said The Canada Iron Furnace Company, Limited, have in contemplation the establishment of a second furnace to be erected and operated in the Town of Midland, upon the terms and subject to the conditions set out in the schedule to this by-law;

And whereas the said The Canada Iron Furnace Company, Limited, have been operating a machine shop and foundry in the name of The Georgian Bay Engineering Works which has recently been destroyed by fire, and the said Company have agreed to rebuild the said works and operate the same upon and subject to the terms set out in the said agreement in the schedule to this by-law;

And whereas in the erection of the said furnace and rebuilding of the said works a very large sum of money will be expended and a considerable amount of labor employed in the Town of Midland, which will enhance the value of the property in the said Town of Midland, and produce a greater revenue for the said town, and it is expedient to encourage the said works by the granting of a fixed assessment upon the lands hereinafter described;

And whereas the whole ratable property in the said Town of Midland, according to the last revised assessment roll of the said town (being the assessment roll for the year 1906), is \$1,299,490.00;

And whereas the existing debenture debt in the said Town of Midland is the sum of \$266,335.17, of which no part of either principal or interest in is arrears;

Therefore the Municipal Council of the Corporation of the Town of Midland enacts as follows:—

1. It shall be lawful for the Corporation of the Town of Midland to enter into the agreement with The Canada Iron Furnace Company, Limited, set out in full in Schedule "A" to this By-law, and the Mayor and the Clerk of the said Corporation are hereby authorized to affix the corporate seal to the said agreement, and attach their signatures thereto.

2. Upon the final passage of this by-law the lands of the said Canada Iron Furnace Company, Limited, as described in the said by-law shall be subject to the assessment provided for in the said agreement for a period of twenty years from the 31st day of December, 1907.

3. The votes of the duly qualified electors of the said Town of Midland, shall be taken on this by-law at the following times and places, that is to say:—On Wednesday, the 5th day of June, 1907, commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same date, by the following Deputy Returning Officers and Poll Clerks:

(a) For Ward No. 1, or the west Ward, at John McWallace's Office, Toronto Street, by William Clegg as Deputy Returning Officer, and William H. McDowell, Poll Clerk.

(b) For Ward No. 2, or the East Ward, at the Lock-up, by George Gregory as Deputy Returning Officer, and Thomas Elliott as Poll Clerk.

(c) For Ward No. 3, or the South Ward, at the Fire Hall, by F. R. Weston as Deputy Returning Officer, and John A. Gill as Poll Clerk.

4. On Monday, the 3rd day of June, 1907, the Mayor of the said Town of Midland, shall attend at the Council Chamber, at ten o'clock in the forenoon to appoint persons to attend at the various polling places aforesaid, and at the final summing up of the votes by the Clerk, on behalf of the persons interested in and promoting or opposing the passing of this by-law respectively.

5. The Clerk of the Town of Midland, shall attend at the Council Chamber, in the Town of Midland, at ten o'clock in the forenoon of Thursday, the 6th day of June, 1907, to sum up the number of votes for and against the said by-law, and to declare the result of the voting thereon.

6. This by-law shall not come into force or be of any effect whatsoever until after the same shall have been approved and declared valid and binding upon the said municipality by an Act of the Legislature of the Province of Ontario, and the said by-law shall come into force and take effect from and after the day upon which any such Act is passed.

Dated at the Council Chamber, in the Town of Midland, this thirteenth day of May, 1907.

(Sgd.) W. FINLAYSON,
Mayor.

(Seal.)

(Sgd.) THOS. I. TRUEMAN,
Clerk.

SCHEDULE "A" REFERRED TO IN THE FOREGOING BY-LAW.

Memorandum of Agreement made (in duplicate) this thirteenth day of May, A.D. 1907, between Canada Iron Furnace Company, Limited, a Corporation having its head office at the City of Montreal, in the Province of Quebec, (hereinafter called the "Company") of the First Part, and The Corporation of the Town of Midland (hereinafter called the "Corporation") of the Second Part.

Whereas by an agreement dated the fifteenth day of February, A.D. 1889, entered into between the parties hereto, and confirmed by Act of Parliament, as amended by the Statute, 1 Edw. the VII, chapter 60, the said Company caused to be erected an iron smelting furnace at the Town of Midland, in the County of Simcoe, and have operated the same continuously;

And whereas the said Company have in contemplation the establishment of a second furnace to be operated in connection with the said furnace in the said Town of Midland upon the terms, and subject to the conditions hereinafter set forth;

Therefore this indenture witnesseth that for that the consideration hereinafter set forth, the parties hereto have and do hereby covenant, promise and agree each with the other in manner following, that is to say:—

1. The Company will cause to be constructed, erected, equipped and developed a second iron smelting furnace capable of turning out two hundred tons of pig iron per day upon the property of the said Company, being lot number one hundred and ten in the first concession of the Township of Tay (except the west 160 acres thereof), and lot number one hundred and ten in the second concession of the Township of Tay (both now in the Town of Midland).

2. The said new furnace shall be of modern design and substantial character and be fully and completely equipped with all necessary machinery, plant, furnace, stack, heating oven, blowing engines, pumps, buildings, wharves and premises necessary and proper for operating such iron smelting furnace. The said iron smelting furnace shall be erected and put in operation within two years from the date hereof. Upon the final completion of the said works as herein provided there shall have been expended in the construction, erection, completion and development of the said second smelter the sum of three hundred thousand dollars.

3. The Company covenant, promise and agree with the Corporation that they will operate the said smelting works, consisting of the present furnace, and the one hereby provided for in the manner following:—

(a) That the output of the said second furnace shall average one hundred and fifty tons of pig iron of a merchantable quality for each working day during the year as provided in section "B" hereof.

(b) That they will carry on operations in connection with both the said smelting works for an average of at least three hundred working days per year during the term of twenty years hereinafter provided for, accidents and other circumstances beyond their control excepted.

(c) That the Company further covenant, promise and agree with the Corporation that they will re-erect, construct, equip and operate a machine shop and iron working plant, recently destroyed by fire, and known hitherto as The Georgian Bay Engineering Works, situated on part of lot number 110 in the first concession of the Township of Tay (now in the Town of Midland). The said shop is to be used for the general repair work of the Company, and for the manufacture and sale of general machinery as in the past. Upon
the

the final completion of the said machine works as herein provided there shall have been expended in the construction, erection, completion and development of same the sum of thirty thousand dollars. The said engineering and machine works shall be completed and in operation on or before the first day of March, 1908.

(d) That the Company covenant, promise and agree to pay at least monthly in cash in the Town of Midland to all men employed by them in or about the said smelter or machine shop, or in connection with the subservient operations of the said Company.

(e) That they will not engage in or be connected with any business as merchants in the County of Simcoe, and will themselves deal and encourage their men to deal with merchants of the Town of Midland.

(f) That the Company will furnish the Corporation with at least three thousand tons of slag for municipal purposes, but not for sale, in each and every year during the said term of twenty years, such material to be taken by the Corporation at such time or times as may be convenient to the Company, and as may be mutually agreed on.

(4) The Company agree to erect the said second iron furnace adjacent to their present plant, and on lot number one hundred and ten (110) in the first concession of the Township of Tay, (except the westerly 160 acres thereof), or lot number one hundred and ten in the second concession of the Township of Tay, (both being now in the Town of Midland).

5. The Corporation agree to place a fixed assessment of forty thousand dollars upon the land of the Company consisting of, (a) lot number one hundred and ten in the first concession of the Township of Tay, excepting the westerly one hundred and sixty acres thereof, and, (b) lot number one hundred and ten in the second concession of the Township of Tay, (now in the Town of Midland), for a period of twenty years from the 31st day of December, A.D. 1907. Such assessment shall be placed on all the plant and property of the Company contained on the said land, or on such other lands as they may own or hereafter acquire, provided same be within the boundary of the Municipality of Midland, and the Company shall be at full liberty to develop the iron and steel industry by such buildings, plant, and premises on the said property or properties for the smelting of iron and manufacture of steel and the products thereof as they may see fit from time to time during the said period of twenty years, and the said assessment shall be for all municipal and school purposes, and shall include all business and other taxes and levies. The said assessment shall not, however, include any property used for residential purposes, or which may be used during the said term by the Company for any purpose which shall enter into competition with any industry or business at present established in the Town of Midland. The intention of this provision being that the said assessment of forty thousand dollars shall cover all the Company's operations, and the development thereof during the period of twenty years, except such part of the said land, if any, as may be used for residential purposes, or as may be used for any purpose that shall enter into competition with any business or industry at present established in the Town of Midland.

6. It is further mutually agreed that the parties hereto will severally use all reasonable and lawful means to have an Act passed by the Legislature of the Province of Ontario confirming this agreement, and confirming all necessary by-laws of the Corporation which it shall or may be necessary to pass for carrying out the intention of this agreement. The said Act shall contain such further and other provisions as may be necessary to give full effect to the true intent of this agreement. It is further agreed that the Company will bear all the costs, legal expenses and disbursements incurred in applying for such legislation.

7. This agreement is subject to the assent of the ratepayers of the Town of Midland, being obtained thereto in the manner provided for by *The Municipal Act*, and is also subject to the obtaining of the necessary legislation as provided in the preceding paragraph.

In witness whereof the corporate seal of the parties hereto have been hereunto affixed, and the President and Managing Director of the Company have hereunto set their hands, and the Mayor and Clerk of the Corporation have hereunto set their hands.

| | | |
|--|---|--|
| Signed, sealed and delivered in the presence of: | } | (Sgd.) W. FINLAYSON, Mayor. |
| (Sgd.) S. SANCTUARY, | | (Seal of the Town of Midland.) |
| as to the execution by Canada Iron Furnace Company. | | (Sgd.) T. I. TRUEMAN, Clerk. |
| (Sgd.) ETHER McKEE, as to execution by The Corpora- tion of the Town of Midland. | | (Sgd.) GEO. E. DRUMMOND, Managing Director and Treasurer. (Seal of Canada Iron Furnace Co., Limited. |

SCHEDULE "B."

BY-LAW No. 670.

A By-law to authorize the Municipal Council of the Corporation of the Town of Midland, upon obtaining the assent of the electors, to issue debentures to the amount of \$8,850.00 for the purpose of paying off the present floating indebtedness thereof, being an overdraft incurred in the year 1905.

Whereas the said municipality has an outstanding floating indebtedness amounting to the sum of \$8,850.00, which indebtedness was incurred in the year 1905, and is represented by an overdraft in the Bank of British North America of \$6,000.00, and in the Western Bank of \$2,850.00;

And whereas the aforesaid banks are pressing for payment of their separate claims;

And whereas it is desired to raise the said sum of \$8,850.00 by the issue of debentures of the said municipality, and to spread the repayment thereof over the period of twenty (20) years;

And whereas in order to raise the said sum of \$8,850.00 it will be necessary to issue debentures of the said municipality for the sum of \$8,850.00 as hereinafter provided, which is the amount of the debt intended to be created hereby, the proceeds of the said debentures to be applied to the purpose aforesaid, and to no other purpose;

And whereas it is desirable to issue the said debentures at one time, and to make the principal of the said debt repayable by yearly sums during the period of twenty years, being the currency of the said debentures;

And whereas it will be necessary to raise annually during the term of twenty years hereinafter mentioned by special rate to pay the said debt, to be created by this by-law, and interest thereon, the sum of \$710.15;

And whereas the whole amount of the whole rateable property of the Town of Midland, according to the last revised assessment roll thereof is the sum of \$1,304,651.00;

And

And whereas the amount of the existing debenture debt of the said Municipality of the Town of Midland is \$315,226.00, whereof no part of principal or interest is in arrear;

Therefore the Municipal Council of the Town of Midland enacts as follows:—

1. That for the purpose of raising the said sum of \$8,850.00, debentures of the said Town of Midland amounting to the sum of \$8,850.00 as aforesaid, in the sums of \$710.15 each, and shall be issued on the 15th day of February, 1908, payable one each on the 15th day of February, in the years A.D. 1909 to 1928, inclusive, at the office of the treasurer of the Town of Midland. The interest of the said loan calculated at the rate of five per cent. per annum, being already included in the amount of the said debentures.

2. And it shall be lawful for the mayor of the said municipality, upon receiving the assent of the electors, and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued, and to cause the same to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

3. That during the currency of the said debentures there shall be raised annually by special rate on all the rateable property of the Town of Midland, the sum of \$710.15 for this purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt.

4. The votes of the qualified electors of the same municipality shall be taken on this by-law at the following times and places, namely, on Monday, January 6th, A.D. 1908, from the hour of nine o'clock in the forenoon until five o'clock in the afternoon of the same day.

5. The places for taking the vote of the electors and the names of the deputy returning officers and poll clerks shall be as follows:—

For the West Ward, or Polling Subdivision No. 1, at J. M. Wallace's office, Toronto Street, at which J. M. Wallace shall be Deputy Returning Officer, and D. A. Hall shall be Poll Clerk.

For the East Ward, or Polling Subdivision No. 2, at the Lock-up Building, corner of Florence and Queen Streets, at which William Gerow shall be Deputy Returning Officer, and George Gregory shall be Poll Clerk.

For the South Ward, or Polling Subdivision No. 3, at the Council Chamber, corner of King and Mary Streets, at which A. Courtemanche shall be Deputy Returning Officer, and J. A. Gill shall be Poll Clerk.

6. On Friday, January 3rd, 1908, the mayor shall attend at the Council Chamber, in the Town of Midland, at the hour of ten o'clock in the forenoon, to appoint persons to attend at the said polling places, and at the final summing up of the votes by the clerk respectively, on behalf of the persons interested in and desirous of promoting or opposing the passing of this by-law.

7. The clerk of the municipality shall attend at the Council Chamber at ten o'clock in the forenoon of Tuesday, the 7th day of January, 1908, to sum up the number of votes given for and against the said by-law.

(Sgd.) W. FINLAYSON,
Mayor.

(Seal.)

(Sgd.) T. I. TRUEMAN,
Clerk.

Schedule "A" to the above By-law.

| No. | Year. | Interest. | Principal. | Total. |
|-----|-------|------------|------------|-------------|
| 1 | 1909 | \$442 50 | \$267 65 | \$710 15 |
| 2 | 1910 | 429 12 | 281 03 | 710 15 |
| 3 | 1911 | 415 07 | 295 08 | 710 15 |
| 4 | 1912 | 400 32 | 309 83 | 710 15 |
| 5 | 1913 | 384 82 | 325 33 | 710 15 |
| 6 | 1914 | 368 56 | 341 59 | 710 15 |
| 7 | 1915 | 351 48 | 358 67 | 710 15 |
| 8 | 1916 | 333 54 | 376 61 | 710 15 |
| 9 | 1917 | 314 71 | 395 44 | 710 15 |
| 10 | 1918 | 294 94 | 415 21 | 710 15 |
| 11 | 1919 | 274 18 | 435 97 | 710 15 |
| 12 | 1920 | 252 38 | 457 77 | 710 15 |
| 13 | 1921 | 229 50 | 480 65 | 710 15 |
| 14 | 1922 | 205 46 | 504 69 | 710 15 |
| 15 | 1923 | 180 23 | 529 92 | 710 15 |
| 16 | 1924 | 153 73 | 556 42 | 710 15 |
| 17 | 1925 | 125 91 | 584 24 | 710 15 |
| 18 | 1926 | 96 70 | 613 45 | 710 15 |
| 19 | 1927 | 66 03 | 644 12 | 710 15 |
| 20 | 1928 | 33 82 | 676 33 | 710 15 |
| | | \$5,353 00 | \$8,850 00 | \$14,203 00 |

SCHEDULE "C."

BY-LAW No. 672.

A By-law to provide for the issue of Debentures to be handed over to the Western Bank of Canada in payment of the Moneys expended for certain Sewer connections, as set out in By-law No. 618.

Whereas the Corporation of the Town of Midland constructed a sewer system in the Town of Midland during the years 1904 and 1905, and in connection with the said system certain private sewer connections were made between the said sewer system and various private properties fronting or joining the street drain by the said sewer system;

And whereas the said expenditure in connection with the said private sewer connection was paid for by the Corporation out of certain moneys procured from The Western Bank of Canada, and now standing as an overdraft in the said bank;

And whereas by By-law No. 618 (which said By-law has been confirmed and authorized by the Statute 6 Edw. VII, chapter 78) the Corporation provide for payment of the said expenditure by the private properties benefited thereby, as set out in schedule to the said by-law;

And whereas it has been arranged with the said The Western Bank of Canada that debentures shall be issued for the sum of six thousand one hundred and forty-nine dollars and forty-five cents, being the amount expended in the said sewer connections, which said debentures shall be fifteen in number and for an equal amount of five hundred and seventy-five dollars and eighty-three cents each, being the amount to be received by the said Corporation from the owners of the said properties as set out in the said By-law No. 618, and the said bank have agreed to accept the said debentures in settlement of the said overdraft used for the purpose of making such sewer connections;

And whereas it will be necessary to issue debentures for the said sum of six thousand one hundred and forty-nine dollars and forty-five cents, as hereinafter provided, which is the amount of the debt intended to be created by this by-law;

And whereas it is desirable to issue the said debentures as of the date of the performance of the said work, and to make the said

debt repayable in yearly sums during the period of fifteen years; the said yearly sum being of such an amount that the aggregate amount payable in each year for principal and interest in respect of the said debt shall be as nearly as possible equal to the amount payable in each of the other fourteen years of the said period, and being the amount receivable by the Corporation from the said private properties, as shown in the schedule to the said By-law No. 618.

And whereas the total amount required to be raised annually by special rate against the said properties as set out in the said by-law for paying the said debt and interest as hereinafter provided is five hundred and seventy-five dollars and eighty-three cents;

And whereas the whole amount of the whole rateable property of the said Town of Midland according to the last revised assessment roll thereof, is the sum of \$1,307,051.00;

And whereas the amount of the existing debenture debt of the said municipality is \$266,335.17, whereof no part either for principal or interest is in arrear;

Therefore the Municipal Council of the Town of Midland enacts as follows:—

1. That for the purpose of paying off the said overdraft in the said The Western Bank of Canada, used in the construction of the said sewer connection, amounting to the sum of \$6,149.45, debentures for the said sum of \$575.83 each shall be issued, dated the 14th of December, 1905, payable one each on the 14th days of December, in the years 1906 to 1920 inclusive, at the office of the treasurer of the Town of Midland without interest; the interest on the said loan, calculated at the rate of four and one-half per cent. (4½%) per annum, being already included in the amount of the said debentures.

2. It shall be lawful for the mayor of the said municipality, and he is hereby authorized and instructed, to sign and issue the said debentures hereby authorized to be issued, and to cause the same to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

3. That during the currency of the said debentures there shall be raised annually by special rate on the properties set out in the schedule to the said By-law No. 618; the sum of \$575.83 for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt.

4. That the moneys collected under the said By-law No. 618, during the years 1906 and 1907, and now standing to the credit of the said Corporation in a special account in the Bank of Hamilton at Midland, shall be paid and applied in satisfaction of the first and second of the said debentures, being the debentures due in the years 1906 and 1907 respectively. The balance of the said debentures shall be handed over to the said The Western Bank of Canada in satisfaction and payment of the amount expended in payment of the said sewer connections.

5. This by-law shall not come into force or be of any effect whatsoever until after the Municipal Council of the Town of Midland shall be empowered and authorized to pass the same, and until the said by-law shall have been declared valid and binding upon the said municipality by an Act of the Legislative Assembly of the Province of Ontario.

6. Subject to the provisions of the fourth paragraph hereof this by-law shall take effect on, from and after the date upon which any Act of the said Legislative Assembly declares this by-law valid and binding upon the said municipality shall come into force

Dated this 14th day of February, A.D. 1908.

E. LETHERBY,,
Mayor.

T. I. TRUEMAN.
Clerk.

(Seal.)

CHAPTER

CHAPTER 95.

An Act to Confirm By-Law No. 119 of the Village of Milverton.

Assented to 14th April, 1908.

Preamble.

WHEREAS the Municipal Corporation of the Village of Milverton has petitioned praying that an Act may be passed to legalize and confirm By-law No. 119 of the said Corporation, authorizing the said Corporation (a) to loan to the J. G. Grosch Felt Shoe Company \$8,000 to aid said Company in the construction and equipment of a building and plant for the manufacture of felt and felt shoe ware and goods of like description; (b) to grant to the said J. G. Grosch Felt Shoe Company and to Pfeffer Bros., a bonus of \$500 to assist them in the construction of a railway siding; and whereas the said by-law was submitted to the ratepayers on the 2nd day of July, 1907, the vote thereon being as follows:—(1) To confirm the said agreement with the said The J. G. Grosch Felt Shoe Company and to authorize the borrowing of \$8,000 for the proposed loan to them of said amount—116 votes; against the same—32 votes. (2) In favor of granting the bonus of \$500 to said Company and to the Pfeffer Bros., and to authorize the borrowing of \$500 therefor—113 votes; against the same—35 votes, the total number of ratepayers being entitled to vote being 173; and whereas proceedings in the High Court of Justice for Ontario have been taken at the instance of one Alexander Dickson Alexander to set aside the said by-law on the ground, among other grounds, that the granting of the bonuses contemplated by the said By-law will require for their payments an annual levy exceeding 10 per cent. of the total annual municipal taxation of the said Municipality; and whereas it is expedient to grant the prayer of said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 119 of the Corporation of the Village of Milverton set out as Schedule "A" hereto is confirmed and declared to be legal, valid and binding according to the true intent and meaning thereof, and is declared to have always had and possessed the full legal force and effect of two several by-laws of said Municipality for the two several purposes set forth in paragraph 6 thereof respectively, as said purposes are more fully set forth in the said by-law, and the said Corporation is authorized and empowered to grant by way of loan to the J. G. Grosch Felt Shoe Company the sum of \$8,000 for the time, upon the terms and subject to the stipulations in said agreement in said by-law set forth, and to borrow upon the credit of the Corporation the sum of \$8,000 for the purposes of said loan, and to issue debentures of the Corporation for that amount and interest for the said purposes as provided in said by-law, and is also empowered and authorized to grant to the said The J. G. Grosch Felt Shoe Company and to Pfeffer Bros., named in said by-law, the sum of \$500 by way of bonus for the purpose in the said by-law set forth, and to borrow upon the credit of the Corporation for the purpose of said bonus the sum of \$500, and to issue debentures of the Corporation for that amount and interest for said purpose as provided in said by-law; and is authorized and empowered to make and levy all necessary assessments upon the ratable property of the said Municipality during the time and in the manner in the said by-law directed for the payment of all debentures issued or which shall be issued under the said by-law.

By-law No. 119
of Village
of Milverton,
confirmed.

2. The said corporation is empowered and authorized to accept a building of three storeys in height and of the dimensions of 40 feet by 60 feet, and in all other respects according to the terms and stipulations in said agreement mentioned in lieu of a building of the height and dimensions agreed upon in the said agreement and in fulfilment by said Company of their agreement in respect of height and dimensions of the building to be erected thereunder, and the said agreement being that in said By-law No. 119 hereinafter set forth with such variations, is hereby confirmed and ratified and is declared to be the agreement intended in section 1 of this Act.

Authority to
accept a build-
ing of certain
dimensions as
a compliance
with the
agreement.

3. The said Corporation and its proper officers in that behalf are empowered and authorized to do all necessary acts for the full and proper carrying out of said agreement as so varied and of the said By-law No. 119 of said Corporation

General powers
of Village.

4. Nothing herein contained shall be construed to affect the costs of any action, litigation or proceedings now pending,

Costs of pend-
ing litigation
not affected.

ing,

ing, but the said costs may be awarded and determined as though this Act had not been passed.

Application of
moneys repaid.

5. All moneys received by the said Corporation from the said Company in repayment of the said loan of \$8,000 shall forthwith, after the receipt thereof, be deposited to a special account in a chartered bank, and at the time of settling the total annual rate and making up the collector's roll for any year shall be applied in or towards payment of the amount falling due in such year for principal and interest on account of the debentures issued under the said by-law to pay such loan, and the amount to be raised in such year under the said by-law shall be reduced to the extent of the sum so applied.

SCHEDULE "A."

BY-LAW No. 119 OF THE VILLAGE OF MILVERTON.

A By-law to confirm an Agreement between this Municipality and the J. G. Grosch Felt Shoe Company and the several partners thereof for a loan of \$8,000, and to authorize the borrowing of said money for the purposes thereof; and to grant a Bonus of \$500.00 to said Company and the Pfeffer Bros., for building a Railway Siding, and to authorize the borrowing of the same.

Whereas to ensure the continuance of the business of the Company hereinafter mentioned, an agreement has been provisionally entered into between the reeve of this municipality on behalf thereof, and John G. Grosch, representing the firm known as The J. G. Grosch Felt Shoe Company, on behalf of the same, and of the several members thereof, for the purposes and in the words and figures following, that is to say:—

Memorandum of Agreement made in triplicate the 13th day of May, A.D. 1907, between John G. Grosch, William H. Grosch, Simon J. Grosch, and George F. Grosch, of the Village of Milverton, in the County of Perth, carrying on business under the name of "The J. G. Grosch Felt Shoe Company" and hereinafter called the "Company," of the First Part, and The Corporation of the Village of Milverton, hereinafter called the "Corporation," of the Second Part.

Whereas the Company have for some time been carrying on business at Milverton in the manufacture of felt and felt footwear, and other goods of like description, and owing to the expansion of their business require to enlarge their building and increase their capacity;

And whereas for the foregoing and other divers reasons the said Company were about to remove from the Village of Milverton;

And whereas to prevent such removal the citizens at a public meeting have expressed their desire to aid and assist the said Company in such a manner as will promote the Company's business, increase the employment of labour and retain the said Company's works in the Village of Milverton, by way of a loan of the sum of \$8,000.00, upon the terms, conditions, securities and agreements hereinafter mentioned;

And whereas for the purposes aforesaid the Corporation is about to submit a by-law to their ratepayers to authorize the raising of the sum of \$8,000.00 to be advanced to the said Company;

And

And whereas the said sum of \$8,000.00 is to be advanced by way of loan to the said Company under the terms hereinafter set forth;

Now this agreement witnesseth that the said Company shall forthwith after the passing of a by-law, if at once submitted to the rate-payers of the said Corporation, erect and fully complete a building one storey high of the dimensions 40 feet by 60 feet, as an addition to the felt department of their business, said building to be of stone and brick or cement, with foundation walls sunk to a depth ample to sustain the same, and of twenty inches in width, and the superstructure thereof to be of brick walls of nine inches in thickness;

That they will also build upon said premises a warehouse of the dimensions of 20 feet by 40 feet, and for the purpose of their business will on said premises sink an artesian well for water and erect a tank of such elevation over or near to the same as will be an advantage to their business, and for the protection against fire as well;

That they shall and will also to the extent of \$4,000.00 buy all necessary machinery for their felting department sufficient to equip their factory, having regard to its present size and additions to be made thereto;

That they shall and will also enlarge their carding department, and fully equip the same with the additional necessary machinery;

That they shall and will for the full period of ten years from the 1st day of June, 1908, and thereafter while any portion of the said loan remains unpaid, either for the time originally provided in these presents or thereafter, if extension for any cause be granted, continuously from the time these presents take effect employ yearly and every year from the time hereinafter mentioned in and about their said premises, the total number of forty employees at least, and more if the business warrants, at least eighty per cent. of whom shall be skilled mechanics;

That they shall and will for the due fulfillment and carrying out of all the terms hereinafter contained, and for the repayment of the loan, with all interest thereon as hereinafter and in said mortgage to be provided, execute and deliver to the said Corporation in duplicate ready for registration a good and sufficient mortgage in the form to be approved by the Corporation to provide for the repayment of all said moneys and interest, and for the due fulfillment and carrying out of all the terms, conditions and agreements herein and in the said mortgage to be provided, and said mortgage shall be so prepared as to be a first mortgage, lien or charge not only upon the lands and premises of the said Company, hereinafter described, but also upon all the buildings, plant, machinery, apparatus, tools and all appliances whether fixed or unfixed upon said premises used or intended to be used as part of the equipment and machinery necessary and commonly used in the manufacture of felt and felt footwear and goods of like description;

That the said Company shall and will in the said mortgage provide and pay for and deliver to the said Corporation an insurance policy or policies in a company or companies to be approved of by the Corporation in an amount from time to time equal to the unpaid portion of said loan herein provided for, together with any accrued interest thereon, and said policies shall therein on their face be made payable to the Corporation from time to time, together with all renewals thereon, as the said Corporation's interest may appear;

The said Company also agrees with the said Corporation that they shall and will within six months from the final passing of the said by-law perform all their agreements, covenants and conditions so far as the same relate to the buildings, erections, equipments and placing of machinery and plant, and that they will also within one year from the final passing of said by-law, so secure if possible and employ the number of hands of the kind and character hereinbefore referred to in and about their premises in the manufacture of the goods hereinbefore mentioned;

That

That the said Company in the event hereafter of the said buildings, or any portion thereof, or the machinery therein, or any portion thereof, being destroyed by fire or partially so destroyed or injured or becoming unfit for the purpose intended, replace the same out of insurance money which shall accrue to the said Corporation or themselves, or their insurance moneys which shall accrue in any other manner whatever during such time as the said Company shall owe to the Corporation of Milverton any sum or sums whatever upon the amount of the loan herein referred to;

That save as hereinafter mentioned the said Company shall pay interest upon all moneys to be advanced, pursuant to these presents at the rate of five per cent. to the said Corporation, which shall be secured by the mortgage hereinafter to be given;

That the said Company shall not be required to pay any interest whatever upon the said loan or any part thereof so long as they are not in default in the performance of any of the conditions and agreements on their part herein contained, but on default said Corporation shall be entitled to charge interest upon any unpaid portion of the said loan;

That the said Company shall and will upon the receipt of such loan repay the same to the said Corporation, and for that purpose both as a Company and individually in the said mortgage to secure the same, shall enter into covenants providing for such repayments as follows:—The sum of \$1,000.00 on the 3rd day of October, A.D. 1910, being at the end of the third year after the passing of said by-law, and the sum of \$1,000.00 yearly thereafter. No interest to be paid for the first year in any event;

Provided, however, that the said Corporation shall have the right to charge interest upon the said unpaid sums from year to year in any year or years in which the said Company shall not have manufactured in finished product of their said business at least \$40,000.00 worth thereof, and for the purpose of ascertaining the said fact the said Corporation shall have the right to appoint any accountant or other person to inspect the books, accounts and statements of the said Company in any year from time to time while any portion of the said loan remains unpaid, and the said Company agree to be bound by the certificate of such accountant or person, whose decision thereon shall be final.

And the said Corporation on their part hereby covenant and agree with the said Company that they shall and will, with all reasonable despatch and as soon as possible submit a by-law to the ratepayers of said Corporation to authorize the raising by debentures of the said Corporation of the sum of \$8,000.00 to be granted by way of loan to the said Company.

That upon the assent of the ratepayers of said Corporation being obtained the said Corporation shall finally pass said by-law.

That from, upon and after the raising of the moneys by debentures as aforesaid the said Corporation shall pay to the said Company the full amount of the said money within ninety-five days from the passing of the by-law.

The said Company agrees with the said Corporation that all the erections and buildings provided for herein shall be placed upon the south half of lot number 20 in Kertcher's survey in the Village of Milverton.

The said Corporation hereby agrees with the said Company that in the event of the said Company being unable through scarcity of labour, labour troubles, strikes of workmen or otherwise at any time before the payment in full of the said loan as in these presents provided, and the shutting down of said Company's works or portion thereof in consequence thereof that such period of idleness so caused shall not be deducted from the time for which the said Company should continuously operate their works so long as the said Company in good faith and to the satisfaction of the Corporation, council or committee thereof, if any, appointed for the purpose, use their best and most earnest endeavors to overcome all such difficulties and obtain the necessary labour to comply with the conditions of this agreement.

The

The said Company further covenants that they will, while any portion or said loan or interest remain unpaid keep in good repair either by way of a sinking fund each and every year or otherwise, all the said buildings, plant and machinery, and they shall and will allow any person or persons not exceeding two, who may from time to time be appointed by resolution of the said Corporation for that purpose, at all reasonable times while any portion of the said loan or interest remains unpaid, to enter upon said premises and inspect the said buildings, plant and machinery and view the state of repairs of same, and that the Company will repair upon notice, and this covenant shall be construed in the same manner as if it were a covenant of a tenant to his landlord made in pursuance of *Act respecting Short Forms of Leases*, and on default of repairing according to notice the Corporation may enter upon and take possession of the said lands, premises, buildings, plant and machinery in the same manner as if the said covenant had been contained in a lease pursuant to the said last mentioned Act, or as for default for breaches of covenant under a mortgage made pursuant to the *Act respecting Short Forms of Mortgages*.

It is hereby understood and agreed that all the covenants, agreements and conditions and each and every of them hereinbefore contained on the part of the Company are and shall be deemed to be joint and several covenants, agreements and conditions by and binding upon the parties of the first part, and are and shall be deemed to be binding upon them and each of them and their and each of their heirs, executors and administrators.

It is hereby mutually agreed between the Company and the Corporation that the said Company shall have the privilege of paying off all the mortgage money and interest at any time while not in default, and whether in default or not with the consent of the Corporation, upon such payment the said Company shall be liable to pay, and shall pay in the event of their desire to pay off said mortgage and any interest hereunder, such sums as will indemnify and save harmless the said Corporation against any loss on interest account by reason of being unable in case of such payment to derive interest from money so falling in, equal to the charge of interest created by virtue of the debentures to be issued for the said loan, but notwithstanding any such payment by the said Company of principal and interest the same shall not affect the obligations and liabilities of the Company to continue to operate their factory with the number of hands, and otherwise in manner agreed for the full period aforesaid, nor affect their right to exemption from taxes hereunder.

This agreement shall be subject to and conditional upon the final passage of a by-law submitted according to law to the ratepayers of the said Corporation.

It is also hereby understood and agreed that all expenses incidental to the preparation of these presents, the mortgage to be given pursuant thereto, and the preparation and passing of said by-law and the election thereon shall be paid by the Corporation whether the same is duly assented to or not.

J. G. GROSCH.

C. HASENPFLUG,
Reeve.

And whereas it is advisable that said agreement be confirmed on the part of this municipality;

And whereas the said Company desires to increase the efficiency of their said proposed improvements by the construction of a railway switch or siding to connect same with the track of the Guelph and Goderich Railway Company at Milverton aforesaid, and it is expedient in the interest of this municipality to grant the sum of \$500.00 to said Company and Pfeffer Bros., by way of bonus, upon the understanding and condition that the said switch or siding shall be constructed by way of and for the accommodation of Pfeffer Bros.' mill as well as that of the said Company;

And

And whereas for the purpose of aiding the said Company in the manner set forth in the said agreement, this municipality will require to borrow upon its debentures the sum of \$8,000.00, and to assist said Company and said Pfeffer Bros. by said bonus it will require to borrow in like manner the sum of \$500.00, which said several sums of \$8,000.00 and \$500.00 are respectively the amounts of the several debts to be created hereby;

And whereas it is desirable to make the principal money of each of the said debts repayable in such yearly sums that the aggregate amounts payable for principal and interest upon each of the said debts in any one year shall be as nearly as possible equal to the aggregate amount so payable thereon in each of the other years of the currency of said loan, and it is intended that the said loan of \$8,000.00 shall extend over a period of eleven years from the issue of said debentures therefor, and that the said loan of \$500.00 shall extend over a period of five years from the issue of the debentures to be issued therefor;

And whereas the total amount required to be raised annually by special rate for paying the said debt of \$8,000.00 and interest in the manner aforesaid is \$963.12, and the total amount so required to be raised annually by special rate for paying the said debt of \$500.00 and interest in the manner aforesaid is \$115.49;

And whereas the total amount of the whole rateable property of this municipality according to the last revised assessment roll, being that for the year 1906, is the sum of \$300,000.00;

And whereas the total amount of the existing debenture debt of this municipality is the sum of \$4,416.68, of which none is in arrear;

And whereas it is intended that this by-law is severable in its purpose and effect, namely:—1. To confirm the said recited agreement, and to authorize the borrowing of the said sum of \$8,000.00 for the purposes thereof, and 2. To grant the said sum of \$500.00 by way of bonus for the construction of said railway siding, and to authorize the borrowing of said sum therefor;

Therefore the Municipal Council of the Village of Milverton enacts as follows:—

1. The said agreement hereinbefore set forth is hereby confirmed and approved, and this municipality may loan to The J. G. Grosch Felt Shoe Company the sum of \$8,000.00, according to the terms thereof, and the reeve of this municipality is authorized and directed to execute all instruments necessary to give effect to the said agreement on the part of this municipality.

2. A bonus of \$500.00 is hereby granted to the Pfeffer Bros. and J. G. Grosch Felt Shoe Company for the purpose of aiding them in the construction of a railway siding or switch to connect Pfeffer Bros.' mill and the manufacturing premises of the said Company at Milverton aforesaid, with the main track of Guelph and Goderich Railway Company at such point in Milverton as may be agreed upon between said Railway Company, the Pfeffer Bros., and The J. G. Grosch Felt Shoe Company, provided that such siding or switch shall be constructed by way of the north side of Mill street and along said street in said Village so as to give the said mill rail connection with such railway, and may be at all times used by the owners or lessees of the said mill or their assigns between the said mill and said main track for the purposes of the shipping and carrying business of said mill.

3. This municipality may borrow upon its debentures the said several sums of \$8,000.00 and \$500.00, said debentures shall be in sums of not less than \$100.00 each, and be without coupons for interest, and shall be issued on the 3rd day of October, 1907, and dated on the day of issue thereof, and payable at the office of the Sovereign Bank of Canada at Milverton aforesaid, and each of said debentures shall be signed by the reeve and treasurer, and the Corporation seal shall be attached thereto by the clerk of this municipality.

4. The said several debts of \$8,000.00 and \$500.00 shall be repayable by this municipality in eleven years and five years respectively from the date of the issue of the debentures therefor, and in such sums yearly that the total amount payable annually in respect of each of said debts for principal and interest computed at the rate of five per cent. yearly shall be equal as nearly as may be to the total amount annually payable in respect of the said loan for principal and interest in each and every of the other years of the period during which the debentures for such loan have to run.

5. During the currency of the debentures therefor there shall be raised annually by special rate on all the rateable property in this municipality for the repayment of said loan of \$8,000.00 and interest thereon during said period of eleven years the sum of \$963.12, and for the repayment of said loan of \$500.00 and interest thereon during said period of five years the sum of \$115.49, of which several sums of \$963.12 and \$115.49 respectively there shall be so raised in each of the years of such period for principal and interest the amount set forth in the following:—

Schedule A, showing special rate to be collected.

1. For the repayment of said sum of \$8,000.00 in eleven years.

| | For interest. | For principal. | Total yearly instalment. |
|------------------------|------------------|-------------------|-----------------------------|
| In the 1st year | \$400 00 | \$563 12 | \$963 12 |
| In the 2nd year | 371 85 | 591 27 | 963 12 |
| In the 3rd year | 342 28 | 620 84 | 963 12 |
| In the 4th year | 311 24 | 651 88 | 963 12 |
| In the 5th year | 278 64 | 684 48 | 963 12 |
| In the 6th year | 244 42 | 718 70 | 963 12 |
| In the 7th year | 208 49 | 754 63 | 963 12 |
| In the 8th year | 170 76 | 792 36 | 963 12 |
| In the 9th year | 131 14 | 831 98 | 963 12 |
| In the 10th year | 89 54 | 873 58 | 963 12 |
| In the 11th year | 45 96 | 917 16 | 963 12 |
| | <hr/> \$2,594 32 | <hr/> \$8,000 00 | <hr/> \$10,594 32 |

2. For the repayment of said sum of \$500.00 in five years.

| | For interest. | For principal. | Total yearly instalment. |
|-----------------------|------------------|-------------------|-----------------------------|
| In the 1st year | \$25 00 | \$90 49 | \$115 49 |
| In the 2nd year | 20 48 | 95 01 | 115 49 |
| In the 3rd year | 15 73 | 99 76 | 115 49 |
| In the 4th year | 10 74 | 104 75 | 115 49 |
| In the 5th year | 5 50 | 109 99 | 115 49 |
| | <hr/> \$77 45 | <hr/> \$500 00 | <hr/> \$577 45 |

6. The votes of the electors of the said Village of Milverton shall be taken separately in respect of the two purposes of this by-law above set forth, namely:—1. To confirm the agreement with the J. G. Grosch Felt Shoe Company, mentioned in the first clause hereof, and to authorize the borrowing of \$8,000.00 for the proposed loan to the said Company thereunder; 2. To grant the bonus to said Company and Pfeffer Bros., set forth in the second clause hereof, and to authorize the borrowing of \$500.00 therefor, according as the said purposes are more fully set out above, and the said votes shall be polled on Tuesday, the 2nd day of July next, 1907, commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day at the following

following places, by the returning officer hereinafter named, namely:—

Name of Polling Place: Cook's Hall. Name of Returning Officer, W. D. Weir.

7. On Monday, the 10th day of June, 1907, the reeve of the said Village of Milverton shall attend at the clerk's office at ten o'clock in the forenoon to appoint persons to attend at the polling places aforesaid, and at the final summing up of the votes by the clerk on behalf of the persons interested in and promoting and opposing the passing of this by-law or either of said objects thereof.

8. The clerk of the council of the said Village of Milverton shall attend at his office in the said Village of Milverton at ten o'clock in the forenoon on the 3rd day of July, to sum up the number of votes for and against this by-law in respect of the several objects thereof as hereinbefore set forth and voted upon.

Dated at the clerk's office in the Village of Milverton, this 25th day of May, A.D. 1907, and provisionally passed.

Finally passed at Milverton, this 6th day of August, 1907.

C. HASENPFUG,
Reeve.

W. D. WEIR,
Clerk.

(Seal).

CHAPTER 96.

An Act to confirm By-law No. 770 of the Town of Napanee.

Assented to 14th April, 1908.

WHEREAS, the Corporation of the Town of Napanee Preamble,
has by petition represented that by Chapter 60 of the Acts passed in the fifth year of the reign of His Majesty King Edward VII, the said Corporation was authorized to issue debentures to an amount not exceeding \$40,000, for the purpose of constructing an Electric Light and Power Works, that pursuant to the provisions of By-law No. 718 of the Town of Napanee, which By-law was confirmed by Chapter 80 of the Acts passed in the sixth year of the reign of His Majesty King Edward VII, the said Corporation has constructed an Electric Light and Power Plant and has issued debentures for \$35,000, to provide for payment therefor, that the said amount has been found insufficient for the completion of the works and the said Corporation requires an additional sum of \$10,000 for that purpose and to make the necessary extensions of the plant, that for the purpose of raising the said \$10,000 as required, the council of the said town on the 6th day of January, A.D. 1908, submitted to a vote of the duly qualified electors By-law No. 770 of the said Town intituled, "A By-law to authorize the issue of debentures of the Town of Napanee to the amount of \$10,000, for the purpose of raising \$10,000, to provide for the cost of completing and extending the Municipal Electric Light Plant in the Town of Napanee," when two hundred and forty voted for the said By-law and one hundred and nine voted against it, that on the 13th day of January, 1908, the said By-law was finally passed and thereafter was duly registered as required by law, that it is in the interest of said Town that an Act should be passed to legalize and confirm the said By-law, and to authorize the issue and sale of debentures as therein provided; and whereas, the said Corporation of the Town of Napanee has by the said petition prayed that an Act may be passed to legalize and confirm the said By-law and to authorize the issue and sale of debentures as provided therein; and where-
as

as, the amount of the whole rateable property of the Town of Napanee, according to the last revised assessment roll is \$1,121,781; and whereas, the amount of the existing debenture debt of the said municipality is \$65,664.10, exclusive of local improvement debts secured by special Acts, rates or assessments whereof no part of principal or of interest is in arrear; and whereas, it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 770
of Town of
Napanee
confirmed.

1. By-law No. 770 of the Municipal Corporation of the Town of Napanee set forth in Schedule "A" to this Act, and the debentures issued, or which may be issued, under or in pursuance of the provisions of the said By-law are ratified and confirmed and declared legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of the said Municipality to pass the said By-law or to issue the said debentures, and notwithstanding any defect in substance or in form of the said By-law or debentures or in the manner of passing or issuing the same, and the Corporation of the Town of Napanee is authorized and empowered to issue debentures as authorized by the said By-law, and the debentures so issued under the said By-law are declared legal and binding upon the said Municipality, and the said Corporation is authorized and empowered to do all acts and things necessary for the full and proper carrying out of the said By-law No. 770.

SCHEDULE A.

BY-LAW NO. 770 OF THE CORPORATION OF THE TOWN OF NAPANEE.

A By-law to authorize the issue of debentures of the Town of Napanee to the amount of \$10,000 for the purpose of raising \$10,000 to provide for cost of completing and extending the Municipal Electric Light Plant in the Town of Napanee.

Whereas, the Corporation of the Town of Napanee has constructed a Municipal Electric Plant in the Town of Napanee;

And whereas, an additional sum of \$10,000 is required for the cost of completing the said plant, and making necessary extensions thereto;

And whereas, it is desirable that the amount necessary to defray the cost of the said completion and extension of said Municipal Electric Light Plant should be raised on the credit of the said Town;

And whereas, in order thereto it will be necessary to issue debentures of the Town of Napanee for the sum of \$10,000 as hereinafter provided, (which is the amount of the debt intended to be created by this By-law), the proceeds of said debentures to be applied to said purpose and no other;

And

And whereas, it is desirable to issue the said debentures at one time and to make the principal of said debt repayable by yearly sums during the period of twenty years, being the currency of the said debentures, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest at the rate of five per centum per annum in respect of the said debt shall be as nearly as possible equal to the amount so payable in each of the other nineteen years of the said period;

And whereas, the total amount required to be raised annually by special rate for paying the said debt and interest as hereinafter provided is \$802.43;

And whereas, the amount of the whole rateable property of the Town of Napanee, according to the last revised assessment roll is \$1,121,781;

And whereas, the amount of the existing debenture debt of the said municipality is \$65,664.10, exclusive of local improvement debts secured by special Acts, rates or assessments whereof no part of principal or interest is in arrear.

Therefore the Municipal Council of the Corporation of the Town of Napanee enacts as follows:—

1. That for the purpose of raising the sum of \$10,000 as aforesaid, debentures of the said Town of Napanee amounting to the sum of \$10,000, as aforesaid, in the sums of \$802.43 each shall be issued on the first day of March, A.D. 1908, each of which debentures shall be dated on the date of the issue thereof and shall be payable one on the first day of March in each of the years from 1909 to 1928 inclusive, at the office of the treasurer of the Town of Napanee, without interest, the interest on the said loan calculated at the rate of five per centum per annum being already included in the amount of the said debenture.

2. It shall be lawful for the Mayor of the said municipality and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued, and to cause the same to be signed by the Treasurer of the said municipality and the Clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

3. That during the currency of the said debentures there shall be raised annually by special rate, on all the rateable property of the Town of Napanee the sum of \$802.43 for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt.

4. This By-law shall take effect on the day of the date of the final passing thereof.

5. The votes of the electors of the said Town of Napanee shall be taken on this By-law, on Monday, the sixth day of January, 1908, commencing at the hour of nine o'clock in the forenoon and continuing till five o'clock in the afternoon of the same day by the following Deputy Returning Officers, and at the following places, that is to say:

West Ward No. 1, at Frank Kinkley's residence; C. W. Bowen, Deputy Returning Officer; Frank Bowen, Poll Clerk.

West Ward No. 2, at Fred Douglas' Office; Geo. Vanalstine, Deputy Returning Officer; Neil Matheson, Poll Clerk.

Centre Ward No. 1, at Town Hall; Geo. Walters, Deputy Returning Officer; E. J. Walters, Poll Clerk.

Centre Ward No. 2, at Charles Pollard's residence; Patrick Gleason, Deputy Returning Officer; Clarence Trimble, Poll Clerk.

East Ward, Perry's Woollen Mill office; Geo. Perry, Deputy Returning Officer; I. J. Lockwood, Poll Clerk.

6. On Saturday, the fourth day of January, 1908, the Mayor of the said Town of Napanee, shall attend at the Council Chamber at twelve o'clock, noon, to appoint persons to attend at the various polling places aforesaid, and at the final summing up of the votes by the Clerk on behalf of the persons interested in and promoting or opposing the passing of this By-law respectively.

7. The Clerk of the council of the said Town of Napanee, shall attend at his office at ten o'clock in the forenoon of Tuesday, the seventh day of January, A.D. 1908, to sum up the votes for and against the By-law.

Dated at the Town Hall, in the Town of Napanee, the 4th day of December, A.D. 1907.

(Sgd.) H. MENG,
Mayor.

(Sgd.) W. A. GRANGE,
Clerk.

(L.S.)

CHAPTER 97.

An Act respecting the City of Niagara Falls and the
Niagara Falls Suspension Bridge Company.

Assented to 14th April, 1908.

WHEREAS the Niagara Falls Suspension Bridge Com- Preamble.
pany have by petition prayed that an Act may be
passed to ratify, confirm and legalize By-law No. 282 of
the Municipal Corporation of the City of Niagara Falls,
fixing the assessment of the said Company at the sum of
one hundred and fifty thousand dollars for each and every
of the years 1908 to 1917, both years inclusive; and whereas
the said Municipality has by petition prayed for the passing
of the said Act in order to settle certain differences which
have existed between the said Company and the said Muni-
cipality regarding the right of the latter to assess and
tax portions of the said Company's property, as well as
regarding the amount at which the said property should be
assessed and taxed; and whereas it is expedient to grant
the prayer of the said petition;

Therefore His Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:—

1. By-law No. 282 of the Municipality of the City of By-law No. 282
Niagara Falls, set forth in Schedule "A" to this Act is of City of
hereby confirmed and declared legal and binding for all Niagara Falls
purposes on the said City of Niagara Falls, and the rate- confirmed.
payers thereof, notwithstanding anything in any Act to the
contrary.

SCHEDULE "A."

BY-LAW No. 282.

A By-law respecting the Taxes of the Niagara Falls Suspension
Bridge Company.

Whereas differences exist between the Corporation of the City of
Niagara Falls on the one side, and the Niagara Falls Suspension
Bridge Company on the other side, in reference to the assessment

and taxation by the Corporation of the City of Niagara Falls or the property belonging to the said Company within the said Municipality;

And whereas such differences exist both as regards the legal rights of the said Municipality to assess and tax portions of the said property as well as the amount for which the property should be assessed and taxed;

And whereas it has been agreed between the Corporation and the said Company that for the purpose of settling such differences for the next ten years, the annual assessment of the property now owned and used by said Company shall be fixed at the sum of \$150,000.00 during the said period, but that the legal rights of the said Corporation and the said Company shall not be affected by anything herein contained, when this by-law ceases to be operative;

And whereas the Corporation have agreed to petition the Legislature for an Act to legalize this by-law in case that may be necessary; such legislation to be obtained at the expense of the Company.

Be it therefore enacted that the annual assessment of all the real estate, property and effects, of the Niagara Falls Suspension Bridge Company within the Municipality of Niagara Falls at present in possession of said Company (and including therein business assessment), shall be and the same is hereby fixed at the sum of \$150,000.00 for each and every of the years 1908 to 1917, both years inclusive;

And be it further enacted that the Mayor and Clerk of this Corporation be authorized to execute a petition under the seal of this Corporation to the Legislature of the Province of Ontario asking that this by-law be legalized.

Read a third time and passed in Council this 16th day of December, 1907.

(Sgd.) R. P. SLATER,
Mayor.

(Sgd.) W. J. SEYMOUR,
Clerk.

(Seal)

CHAPTER 98.

An Act to confirm By-law No. 239 of the Town of
North Bay.*Assented to 14th April, 1908.*

WHEREAS the Corporation of the Town of North Bay Preamble.
has by petition represented that certain expenditures
were necessarily incurred by said Corporation during the
years 1906 and 1907 over and above the estimates adopted
by the Council of said Corporation, and on which its tax
rates were struck, being the sums of \$7,830 for the pur-
chase of a site for a Normal School, \$8,000 for extension
of the water works system, and \$2,100 paid in settlement
of an action for damages, and that the corporation is
indebted to its bank for said sums; and that by reason of
other heavy expenditures which said municipality has had
to incur, the Council thereof could not levy a rate sufficient
to meet said payments in addition to its other payments
without making same unduly oppressive to the ratepayers;
and therefore said Council on 20th January, 1908, passed
By-law Number 239 to provide for the issue of \$18,000 of
debentures for the purpose of paying said debts; and by
their said petition the said Corporation have asked that the
said by-law be validated and confirmed; and whereas it is
expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. By-law Number 239 of the Corporation of the Town of
North Bay, set out in Schedule "A" to this Act, is hereby
confirmed and declared legal, valid and binding upon the
said Municipal Corporation and the ratepayers thereof, and
the debentures to be issued thereunder, when so issued,
shall be legal, valid and binding upon the said corporation
and the ratepayers thereof.

By-law No. 239
of Town of
North Bay
confirmed.

SCHEDULE

SCHEDULE "A."

By-law No. 239 of the Town of North Bay, being a By-law to provide for the issue of Debentures of the Town of North Bay for the sum of Eighteen Thousand Dollars, required by the said Town of North Bay.

Whereas during the year 1906, the Council of the Town of North Bay expended the sum of \$7,830.00 for the purchase of Normal School site, and the sum of \$8,000.00 over and above estimates levied for the extension of the water works system;

And whereas the Council of the Town of North Bay in the year 1907, did settle an action for damages with one W. B. McLean, for the sum of \$2,100.00;

And whereas sufficient moneys were not levied by the Council of the Town of North Bay for the payment of the above mentioned sums, the same being paid out of the moneys levied for current expenditure;

And whereas by reason of such payments the account of the Town of North Bay with the Traders Bank of Canada is now heavily overdrawn;

And whereas the Council of the Town of North Bay deem it expedient to issue debentures for the sum of \$18,000.00 to provide moneys for the repayment of the amounts as above mentioned;

And whereas it is desirable to issue the said debentures at one time and to make the principal of the said debt repayable by yearly sums during the period of thirty years, being the currency of the said debentures, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of the said debt shall be as nearly as possible equal to the amount so payable in each of the other twenty-nine years of the said period, as shown on said Schedule "A" hereunto annexed;

And whereas the total amount required by the municipality to be raised annually by special rate for paying the said debt and interest as hereinafter provided, is \$1,170.93;

And whereas the amount of the whole rateable property of the Town of North Bay, according to the last revised assessment roll thereof, is \$2,215,547.00;

And whereas the amount of the existing debenture debt of the said municipality is \$128,708.77, of which no part either of principal or interest is in arrears;

Now, therefore, the Municipal Corporation of the Town of North Bay enacts as follows:—

1. The Municipal Council of the Town of North Bay shall issue debentures of the said Town to the amount of \$18,000.00, as aforesaid, in sums of not less than \$100.00 each, on the 20th day of January, 1908, each of which debentures shall be dated on the day of the issue thereof, and shall be payable within thirty years thereafter, on the 20th day of January, in each of the years in the amounts shown in said Schedule "A," at the Traders Bank of Canada, in the said Town of North Bay.

2. Each of the said debentures shall be signed by the mayor of the said Town of North Bay, or by some other person authorized by by-law to sign the same, and by the treasurer thereof of the said Town of North Bay, and the clerk shall attach thereto the corporate seal of the said municipality.

3. The said debentures shall bear interest at the rate of five per centum per annum, payable yearly at the said Traders Bank of Canada, on the 20th day of January in each and every year during the currency thereof.

4. During the currency of the said debentures there shall be raised annually by special rate on all rateable property in the said Town of North Bay the sum of \$1,170.93 for the purpose of paying the amount due in each year of the said thirty years for principal.

principal and interest, in respect of the said debt as shown in Schedule "A" hereunto annexed.

Dated at the Town Hall, in the Town of North Bay, on the 20th day of January, A. D. 1908.

(Sgd.) WILLIAM MILNE, Mayor.

(Sgd.) M. W. FLANNERY, Clerk.

(Seal).

SCHEDULE "A."

| Date. | Interest. | Principal. | Total. |
|---------------|-----------|------------|-------------|
| Jan. 20, 1909 | \$900 00 | \$270 93 | \$1,170 93 |
| " 1910 | 886 45 | 284 48 | 1,170 93 |
| " 1911 | 872 23 | 298 70 | 1,170 93 |
| " 1912 | 857 29 | 313 64 | 1,170 93 |
| " 1913 | 841 61 | 329 32 | 1,170 93 |
| " 1914 | 825 15 | 345 78 | 1,170 93 |
| " 1915 | 807 86 | 363 07 | 1,170 93 |
| " 1916 | 789 70 | 381 23 | 1,170 93 |
| " 1917 | 770 64 | 400 29 | 1,170 93 |
| " 1918 | 750 63 | 420 30 | 1,170 93 |
| " 1919 | 729 61 | 441 32 | 1,170 93 |
| " 1920 | 707 55 | 463 38 | 1,170 93 |
| " 1921 | 684 38 | 486 55 | 1,170 93 |
| " 1922 | 660 05 | 510 88 | 1,170 93 |
| " 1923 | 634 51 | 536 42 | 1,170 93 |
| " 1924 | 607 69 | 563 24 | 1,170 93 |
| " 1925 | 579 53 | 591 40 | 1,170 93 |
| " 1926 | 549 96 | 620 97 | 1,170 93 |
| " 1927 | 518 91 | 652 02 | 1,170 93 |
| " 1928 | 486 31 | 684 63 | 1,170 93 |
| " 1929 | 452 08 | 718 85 | 1,170 93 |
| " 1930 | 416 14 | 754 79 | 1,170 93 |
| " 1931 | 378 40 | 792 53 | 1,170 93 |
| " 1932 | 338 77 | 832 16 | 1,170 93 |
| " 1933 | 297 16 | 873 77 | 1,170 93 |
| " 1934 | 253 47 | 917 46 | 1,170 93 |
| " 1935 | 207 60 | 963 33 | 1,170 93 |
| " 1936 | 149 44 | 1,011 49 | 1,170 93 |
| " 1937 | 109 02 | 1,061 91 | 1,170 93 |
| " 1938 | 55 76 | 1,115 17 | 1,170 93 |
| | | | <hr/> |
| | | | \$18,000 00 |

CHAPTER 99.

An Act respecting the Town of North Toronto.

Assented to 14th April, 1908.

Preamble.

WHEREAS the Municipal Corporation of the Town of North Toronto has, by petition, represented that it is desirable and in the interest of the said town that deficits arising from the sale of debentures of the said town below par should be provided for by the issue of debentures and that certain purchases of land for streets or for widening streets should be declared valid and that certain local improvement by-laws should be confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to borrow to make up deficiencies on sale of debentures.

1. The said Corporation with the assent of the electors qualified to vote on money by-laws, may pass a by-law to borrow on the credit of the said Corporation an amount not exceeding \$2,000 to make up deficits which have heretofore been occasioned by reason of the sale of the debentures of the said Corporation below par, and to issue debentures of the said Corporation therefor, payable within ten years from the date of issue thereof, bearing interest at such rate as the Council may fix.

Purchases of lands for streets confirmed.

2. All purchases of land heretofore made by the Council of the said town for streets or for widening streets as enumerated in Schedule "A" to this Act, are hereby confirmed and declared to be legal and valid.

Money by-laws confirmed.

3. The by-laws heretofore passed by the Council of the said Corporation, authorizing the construction of works as local improvements and the construction of a steel water tower, and the borrowing of money for the payment of the cost of the construction of such works, and all debentures issued or to be issued thereunder, which by-laws are set forth in Schedule "B" to this Act, and all assessments made or to be made, and all rates levied or to be levied under the said by-laws or any of them, for the payment of the said debentures, are hereby validated and confirmed.

SCHEDULE

SCHEDULE "A"

| Registered No. of Con- veyance to Town. | Date. | Grantor. | Consid- eration. | Land. |
|--|---------------|--|---------------------|---|
| 1. No. 3575 | June 5, 1906 | J. S. Stibbard | \$ 96 00 | Easterly 16 ft. of lot 37 in block E. on South side Sheldrake Avenue, plan 691. |
| 2. " 3574 | June 6, 1906 | A.E. Stibbard | 300 00 | Lot 38 in block E. South side Sheldrake Avenue, plan 691. |
| 3. " 4190 | July 26, 1907 | Jas. S. Cartwright and Frank Cayley, trustees and executors of the will of late Hon. Wm. Cayley..... | 250 00 | Part of lot 24 on South side Roehampton Avenue, and part lot 25 on North side Eglinton Avenue, plan 639, as more fully described therein. |
| 4. " 4217 | Oct. 15, 1906 | Duncan D. Reid | 1 00 | Southerly 15 ft. of a lane 19 ft. 9 in. wide of lot 6 of West half lot 7 and of lots 8 and 9, on North side Montgomery Avenue, plan 563. |
| 5. " 4219 | Oct. 15, 1906 | Margaret L. Gillies | 1 00 | Southerly 15 ft. of East half lot 7, on North side Montgomery Avenue, plan 563. |
| 6. " 4220 | Oct. 15, 1906 | Wm. D. Reid | 1 00 | Southerly 15 ft. lot 5 on North side Montgomery Avenue, plan 563. |
| 7. " 4281 | Oct. 11, 1907 | Thos.H.Ever- son | 1 00 | Southerly 15 ft. lot 10 and Southerly 15 ft. of East 40 ft. lot 11 on North side Montgomery Avenue, plan 563. |

SCHEDULE "B"

| By-law passed. | Ratepayers' share | Town's share. | Total. | Street. | Improvement. |
|--|-------------------|---------------|----------|----------------------------------|------------------------------|
| | \$ c. | \$ c. | \$ c. | | |
| 760 July 24, 1906 | 889 04 | 444 96 | 1,334 00 | Hawthorne Ave. | Water-main |
| 761 " " | 1,916 38 | 457 62 | 2,374 00 | Crescent & Shel-drake Aves. | " |
| 762 " " | 331 64 | 307 36 | 639 00 | Montgomery Ave | " |
| 763 " " | 1,327 85 | 297 15 | 1,625 00 | Glen Grove | " |
| 764 " " | 221 00 | 186 00 | 407 00 | Frederick St.... | " |
| 765 " " | 417 48 | 401 52 | 819 00 | Stewart St..... | " |
| 766 " " | 1,372 00 | 238 00 | 1,610 00 | Davisville Ave.. | " |
| 767 " " | 983 84 | 166 16 | 1,150 00 | Eglington " E. | " |
| | 7,459 23 | 2,498 77 | 9,958 00 | | |
| 768 " " | | | | | Consoli-dating |
| 769 " " | 1,550 00 | 256 00 | 1,806 00 | Balliol St..... | Drain |
| 793 Sept. 13, 1906 | | 7,200 00 | | | Steel Water Tower |
| All the above bear interest at 4½% per annum, the following at 5%. | | | | | |
| 870 Sept. 11, 1907 | 2,920 00 | 360 00 | 3,280 00 | Yonge St. East, Side No. 2. | Concrete Sidewalk. |
| 871 " " | 1,335 00 | 89 00 | 1,424 00 | Erskine Avenue, South side. | " |
| 872 " " | 1,135 00 | 253 00 | 1,388 00 | Davisville Ave., North side. | " |
| 873 " " | 820 00 | 225 00 | 1,045 00 | Erskine Avenue, North side. | " |
| 874 " " | 1,481 00 | 54 00 | 1,535 00 | Davisville Ave., South side. | " |
| 875 " " | 966 00 | 204 00 | 1,170 00 | Hawthorne Ave., N'th & S'th side | " |
| | 8,657 00 | 1,185 00 | 9,842 00 | | |
| 901 Nov. 5, 1907 | | | | Consolidating. | |
| 902 " " | | 3,662 88 | | " | Town's share. |
| 877 Sept. 11, 1907 | 1,830 00 | 260 00 | 2,090 00 | Glen Grove Ave., South side. | Brick Side-walk. |
| 880 " " | 1,078 00 | 67 00 | 1,145 00 | Merton St. | Drain pipe |
| 876 " " | 738 00 | 112 00 | 850 00 | Soudan Avenue, N'th side No. 1. | Tar, Gravel & P'lk Sidewalk. |
| 878 " " | 335 00 | 58 00 | 393 00 | Beresford Street, West side. | " |
| 881 " " | 330 00 | 58 00 | 388 00 | Earle St., East side. | " |
| 882 " " | 705 00 | 70 00 | 775 00 | Eglington Ave., N'th & S'th side | " |
| 879 " " | 681 00 | 31 00 | 712 00 | Balliol, N'th side | (Plank.) |
| | 2,789 00 | 329 00 | 3,118 00 | | |
| 899 Nov. 5, 1907 | | 2,789 00 | | | Consolidating. |
| 886 Oct. 1, 1907 | 1,937 70 | 439 30 | 2,377 00 | Soudan Ave..... | Water'm'in |
| 887 " " | 394 00 | 416 00 | 810 00 | Gertrude St.... | " |
| 888 " " | 1,537 25 | 200 75 | 1,738 00 | Glenwood Ave.. | " |
| 889 " " | 461 17 | 344 83 | 806 00 | Joseph Ave..... | " |
| 890 " " | 394 00 | 421 00 | 815 00 | Hunter St..... | " |
| | 4,724 12 | 1,821 88 | 6,546 00 | | |
| 900 Nov. 5, 1907 | for 4,724 12 | | | | Consolidating. |

CHAPTER 100.

An Act respecting the United Counties of
Northumberland and Durham.*Assented to 14th April, 1908.*

WHEREAS the Municipal Corporation of the United ^{Preamble.} Counties of Northumberland and Durham has by its petition represented that by the Act passed in the 6th year of His Majesty's reign, Chaptered 84, the said Corporation was authorized to issue debentures to the amount of \$60,000, for the purpose of building a new and modern gaol adjacent to the Court House and remodelling the old gaol and county buildings connected therewith for the purpose of a House of Refuge and By-law No. 741 of the said Corporation passed for that purpose was declared legal and valid; and whereas the sum of \$60,000 so raised after payment of the costs of the said gaol has been found insufficient to pay for the House of Refuge; and whereas of the sum of \$60,000 so raised, the sum of \$9,008.38 only has been expended upon the remodelling of the old gaol and county buildings connected therewith for a House of Refuge; and whereas by an Act passed in the 4th year of His Majesty's reign, Chaptered 37, power is given to Counties to issue debentures to the amount of \$40,000 for the erection of a House of Refuge and the purchase of a site therefor without submitting a by-law to the ratepayers; and whereas the sum of \$20,000 is necessary to be raised for the purpose of paying off the debt incurred in completing said House of Refuge, and the said Corporation has passed by-law numbered 774 for the purpose of raising the said sum of \$20,000; and whereas the said Corporation has by its petition prayed that an Act may be passed to validate and confirm the said by-law numbered 774; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law No. 774
of United
Counties of
Northumber-
land and Dur-
ham confirmed.

1. By-law No. 774 of the Corporation of the United Counties of Northumberland and Durham set forth in the Schedule "A" to this Act, and the debentures which may be issued thereunder or in pursuance of the said by-law, are ratified and confirmed and declared legal, valid and binding upon the said Corporation and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of the said Corporation to pass the said by-law or to issue the said debentures and notwithstanding any defect in substance or in form of the said by-law or debentures or in the manner of passing or issuing the same; and the said Corporation is authorized and empowered to issue the said debentures; and the said debentures so issued under the said by-law are declared legal and binding upon the said Corporation; and the said Corporation is authorized and empowered to do all acts and things for the full and proper carrying out of said By-law No. 774.

SCHEDULE A.

By-Law No. 774.

A By-law to authorize the issue of the Debentures of the United Counties of Northumberland and Durham to the amount of \$20,000.00 for the purpose of payment of the indebtedness for the House of Refuge.

Passed December 9th, 1907.

Whereas by an Act of the Legislature of the Province of Ontario, passed in the sixth year of the reign of His Majesty King Edward the Seventh, and Chaptered 84, the Municipal Corporation of the United Counties of Northumberland and Durham was authorized to issue debentures to the amount of \$60,000.00, payable in equal annual amounts of \$3,469.80 in each year for the period of thirty years from the 2nd day of January, 1906, for the purpose of building a new and modern gaol adjacent to the Court House and remodelling the old gaol and county buildings connected therewith, for the purpose of a House of Refuge, and by By-law No. 741, passed for the purpose, was declared legal and valid in every respect;

And whereas the sum of \$60,000.00 so raised as aforesaid after payment of the cost of the said gaol, has been found insufficient to pay for the said House of Refuge;

And whereas of the sum of \$60,000.00 so raised as aforesaid, the sum of \$9,008.38 only has been expended upon the remodelling of the old gaol and county buildings connected therewith for a House of Refuge;

And whereas by an Act of the Legislature of the Province of Ontario, passed in the fourth year of the reign of His Majesty King Edward the Seventh, and chaptered 37, power is given to county municipalities to issue debentures to the amount of \$40,000.00 for the erection of a House of Refuge and the purchase of a site therefor, without submitting a by-law to the people;

And whereas the sum of \$20,000.00 is necessary to be raised for the purpose of paying off the debt incurred for the completion of the said House of Refuge at Cobourg in the said United Counties;

And whereas in order to raise the said sum of \$20,000.00 it will be necessary to issue debentures of the Municipal Corporation of
the

the United Counties of Northumberland and Durham for the sum of \$20,000.00 as hereinafter provided, (which is the amount of the debt intended to be created by this by-law) the proceeds of the said debentures to be applied to the said purpose and no other;

And whereas the total amount required by *The Municipal Act* to be raised annually by special rate for paying the said debt and interest is the sum of \$1,900.00, and whereas \$900.00 is to be raised annually for the payment of interest during the currency of the said debentures, and \$1,000.00 is to be raised annually for the purpose of creating a sinking fund for the payment of the said debt secured by the said debentures;

And whereas the whole rateable property of the United Counties of Northumberland and Durham, according to the last equalized and revised assessment thereof is \$26,500,250.00;

And whereas the amount of the existing debenture debt of the said municipality is \$96,530.20 (less the sum of \$24,679.20 sinking fund held for the payment of certain debentures issued), whereof no portion of the principal and interest is in arrears;

Therefore the Municipal Corporation of the United Counties of Northumberland and Durham enacts as follows:—

1. That for the purpose of raising the sum of \$20,000.00 to be expended as hereinafter set forth, debentures of the said Corporation of the United Counties of Northumberland and Durham to the amount of \$20,000.00 shall be issued, in sums of not less than \$100.00 each, on the second day of January, 1908, each of which debentures shall be dated on the second day of January, 1908, and shall be payable at the Bank of Toronto in Cobourg on the second day of January, 1928.

2. Each of the said debentures shall be signed by the Warden of the said United Counties of Northumberland and Durham, and he is authorized and instructed to sign the same and issue the debentures hereby authorized to be issued, and to cause the same to be signed by the Treasurer of the said municipality, and the Clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

3. The said debentures shall bear interest at the rate of four and a half per cent. per annum, payable half yearly at the said Bank of Toronto in Cobourg, on the second days of July and January in each and every year during the currency thereof, and shall have attached to them coupons for the payment of the said interest, which coupons shall be signed by the Warden and Treasurer.

4. During the currency of the said debentures there shall be raised annually by special rate on all the rateable property in the said United Counties of Northumberland and Durham the sum of \$900.00 for payment of interest on the said debentures, and the sum of \$1,000.00 for the purpose of creating a sinking fund for payment of the debt hereby secured, making in all the sum of \$1,900.00 to be raised as aforesaid during each of the said twenty years.

This by-law shall come into effect upon the day of the final passing thereof.

(Sgd.) CHAS. McNEIL,
Warden.
(Sgd.) NEIL F. MACNACHTAN,
Counties' Clerk.

(Seal).

CHAPTER 101.

An Act respecting the Township of Osgoode in the County of Carleton.

Assented to 14th April, 1908.

Preamble.

WHEREAS the Municipal Corporation of the Township of Osgoode in the County of Carleton has by petition represented that the said Corporation has a floating indebtedness amounting to \$7,500 and over, which indebtedness has been accumulating for a number of years last past, and is represented by an overdraft in the Union Bank of Canada at the unincorporated Village of Metcalfe in the said Municipality; that the said floating indebtedness has been incurred by necessary expenditures in connection with different drainage by-laws which have been quashed in the courts or which have had to be abandoned owing to the informalities and irregularities in the initiating petitions as follows:—(1) “O’Connor” Drain (by-law quashed) judgment and costs in re McKenna v. Osgoode, \$4,025; (2) Indebtedness incurred in 1907 by reason of debentures which matured in 1906 and were not paid, \$3,579.72; that a special levy sufficient to pay off this indebtedness, if levied in any one year in addition to the necessary annual levy for the ordinary annual expenditure, would be unduly oppressive on the ratepayers of the said Municipality; and whereas the said Corporation has prayed that an Act may be passed authorizing the said Corporation to issue debentures to the extent of \$7,500, exclusive of interest thereon, for the purpose of paying off the said floating indebtedness; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debentures
for \$7,500
authorized.

1. It shall be lawful for the Corporation of the Township of Osgoode aforesaid to raise by way of loan on the credit of the debentures to be issued under the authority of this Act, from any person or persons or body corporate, a sufficient

cient sum or sums to pay the said floating indebtedness to the extent of \$7,500, exclusive of interest thereon.

2. It shall be lawful for the said Corporation from time to time to pass a by-law or by-laws providing for the issue of debentures under the corporate seal, signed by the Reeve and countersigned by the Treasurer for the time being, to the extent of \$7,500 and interest thereon, at the rate of five per cent. per annum, payable at such places as the Corporation may deem expedient. Issue of debentures.

3. The said Corporation may, for the purposes herein mentioned, raise money by way of loan on the said debentures or sell or dispose of the said debentures from time to time as may be deemed expedient. Power to sell or borrow on debentures.

4. Any debt incurred under the authority of this Act shall be payable in ten years at the furthest from the date of the issuing of said debentures, and shall be payable in ten equal annual instalments, including principal and interest, in such manner that the amount payable and to be raised and levied in any one year on account of principal and interest shall be equal, as nearly as may be, to what is payable and to be raised and levied during each of the other years during the period within which the debt is to be discharged. Term of debentures.

5. The said Corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act to be called the "1906 Overdraft Debenture Rate"; and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them. Special rate.

6. The said debentures and all moneys arising therefrom shall be applied by the said Corporation in paying off said floating indebtedness to the amount of \$7,500, and in no other manner, and for no other purpose whatsoever. Retirement of outstanding debentures.

7. Any by-law to be passed under this Act shall not be repealed until the debt created under such by-law and the interest thereon shall have been paid and satisfied. By-law not to be repealed until debt satisfied.

8. It shall not be necessary to obtain the assent of the electors of the said Township of Osgoode to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*, or to register or promulgate same. Assent of electors not required.

Form of
debentures.

9. The said debentures issued under this Act may be in the form contained in Schedule "A" to this Act, and the by-laws authorizing the same may be in the form of Schedule "B" to this Act.

Irregularities
not to invalid
by-law.

10. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act shall not apply to the by-law or by-laws to be passed under the provisions of this Act, and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act, or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the Corporation for the recovery of the amount of the said debentures, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-laws or of the issue of debentures or as to the application of the proceeds thereof.

Short title.

11. This Act may be cited as *The Township of Osgoode Debenture Act, 1908*.

SCHEDULE "A."

(Section 9.)

Province of Ontario, Township of Osgoode.

No.

Under and by virtue of *The Township of Osgoode Debenture Act, 1908*, and By-law No. — of the Corporation of the Township of Osgoode passed under the provisions contained in the said Act, the Corporation of the Township of Osgoode promises to pay the bearer at the Union Bank of Canada, at Metcalfe, in the Township of Osgoode the sum of \$971.28 on the day of 190 .

Dated at Metcalfe, in the County of Carleton, this day of A.D. 190 .

A.D. 190 .

(Seal)

Reeve.
Treasurer.

SCHEDULE "B."

(Section 9.)

BY-LAW.

By-law No. —, to authorize the issue of debentures under the authority of *The Township of Osgoode Debenture Act, 1908*.

Whereas

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned to the extent of \$7,500, together with interest thereon, at the rate of five per centum per annum as the Corporation of the Township of Osgoode may in pursuance of and in conformity with the provisions of the said Act direct;

And whereas it is expedient in pursuance of the authority given by the said Act and for the purposes therein mentioned to raise by way of loan the said sum of \$7,500, and to provide for the payment of interest thereon by the issue of debentures;

And whereas it is proposed to pay off the said debt in ten years by ten equal annual instalments;

And whereas the whole rateable property of the said Township of Osgoode, according to the last revised assessment roll of the said Township being for the year 1907, was \$1,559,225.00.

And whereas the total amount required by *The Municipal Act* to be raised annually for paying the said debt is \$971.28, therefore the Municipal Corporation of the Township of Osgoode enacts as follows:—

(1) Debentures under the said Act and for the purposes therein mentioned to the extent of \$7,500 and interest thereon at five per centum per annum are hereby authorized and directed to be issued. The debentures representing each instalment shall be dated on the day of the issue thereof, respectively, and shall be payable in equal amounts in each of the ten years next succeeding the said date, such amounts being made up of the aggregate sum due each year for principal and interest.

This by-law passed in open Council this
in the year of our Lord.

day of

CHAPTER 102.

An Act respecting the City of Ottawa.

Assented to 14th April, 1908.

Preamble

WHEREAS the Corporation of the City of Ottawa has by its petition prayed that if at the end of any year, after paying all interest due on debentures issued by the said Corporation and placing to the credit of any sinking fund the amount legally required to be so placed, there is a surplus to the credit of such sinking fund, its council may be authorized to levy in the succeeding year for interest and sinking fund such amount as together with such surplus will be sufficient to pay all interest and sinking fund payable in such succeeding year; and whereas the said Corporation has by its said petition further prayed that it may be authorized to re-issue all unsold debentures issued by the said Corporation in the years 1906 and 1907 and to make the principal and interest payable in London, England, or in Ottawa in sterling money or Canadian currency and to date the re-issue of the said debentures issued in 1906, the 1st day of July, 1906, and the re-issue of those debentures issued in 1907, the 1st day of July, 1907, and to make the interest on all the said debentures payable on the 1st days of January and July in each year; and whereas the said Corporation has by its said petition further prayed that the debentures issued by the said Corporation in the year 1906 which are sealed with the seal of the said Corporation and signed by the then Mayor of the said city, may be confirmed and validated, and that it may be declared that such sealing and signing shall be sufficient although the said debentures are not signed by the then Treasurer of the said Corporation and that the signature of the said Mayor to the interest coupons attached to the said debentures instead of that of the said Treasurer shall be sufficient; and whereas the said Corporation has by its said petition further prayed that it may be authorized to acquire by expropriation those portions of certain toll roads which are now within the limits of the said city as extended during the year 1907 by orders of The Ontario Railway and Municipal Board and any portions of any toll roads which may

may hereafter come to be within the limits of the said city by reason of any further extensions thereof; and whereas the said Corporation has by its said petition shown that the present debenture debt of the said city is \$8,064,126.14, no part of the principal or interest whereof is in arrear, and that it is necessary that the said debt should be increased to provide for the cost of acquiring those portions of certain toll roads which are now within the limits of the said city by reason of the extension of the said limits in the year 1907 and of any portions of any toll roads which may hereafter be within the limits of the said city by reason of any future extensions thereof and to an amount not exceeding \$15,000, to provide for the cost of the construction of a relief sewer in the central part of the said city, and to an amount not exceeding \$50,000 to provide for the payment of the share of the cost of the construction of a subway on Bank Street in the said city under the tracks of the Canada Atlantic Railway Company ordered by the Board of Railway Commissioners for Canada to be paid by the said Corporation, and to the extent of \$20,000 to provide for the cost of the construction of a new Registry Office in the said city, and has prayed that it may be authorized to borrow such sums of money as may be needed for the purposes aforesaid by an issue of debentures without submitting any by-law in connection therewith to the electors of the said city; and whereas the said Corporation has by its said petition further shown that the powers conferred upon the Council of the said Corporation by By-law No. 2,344 thereof passed with the assent of the electors of the said city in the year 1904, authorizing the borrowing of the sum of \$50,000 by an issue of debentures for the purpose of acquiring such lands, water power and machinery, easements and privileges and of constructing such buildings and works as might be necessary for the production, manufacture and use of electricity for lighting the streets, squares, lanes, bridges and public places of the said city have not yet been exercised and that the Council of the said Corporation has amended the said by-law by its By-law No. 2,720 as therein set forth and has prayed that the said By-law No. 2,720 may be validated and confirmed; and whereas the said Corporation has by its said petition further prayed that the purchase by the said Corporation of certain property in the said city for the establishment of a Juvenile Detention Home may be confirmed and that the mortgage thereon in favour of the Royal Trust Company may be confirmed and validated and declared to be binding on the said Corporation; and whereas the said Corporation has by its said petition further prayed that the Acts respecting the Public Library in the said city may be amended so as to remove the restriction to \$10,000 of the annual expenditure permitted for the maintenance of the said library; and whereas the said Corporation has by its

said petition further prayed that certain local improvement debenture by-laws and other debenture by-laws passed by the Council of the said Corporation during the years 1906 and 1907 may be validated and confirmed; and whereas the said Corporation has by its said petition further prayed that By-law No. 2,718 of the said Corporation, adopting the assessment for the said city for the year 1908, may be validated and confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Reduction of special rate when there is a surplus at credit of sinking fund.

1. If at the end of any year, after paying all interest due on debentures issued by the said Corporation and placing to the credit of any sinking fund the amount legally required to be so placed there is a surplus to the credit of such sinking fund the Council of the Corporation of the City of Ottawa shall in the succeeding year levy for interest and sinking fund such amount only as, together with such surplus, will be sufficient to pay all interest and sinking fund payable in such succeeding year.

Re-issue of certain debentures.

2. The said Corporation may re-issue all unsold debentures issued by the said Corporation in the years 1906 and 1907 and may make the principal and interest thereof payable in London, England, or in the said City of Ottawa in sterling money or Canadian currency, and may cause the re-issue of all the said debentures issued in the year 1906 to be dated the 1st day of July, 1906, and the re-issue of the said debentures issued in the year 1907 to be dated the 1st day of July, 1907, and may make the interest on all the said debentures payable on the 1st days of January and July in each year.

Debentures and coupons signed by Mayor only, confirmed.

3. The debentures issued by the said Corporation in the year 1906 which are sealed with the seal of the said Corporation and signed by the then Mayor of the said city are confirmed and validated and it is declared that such sealing and signing shall be sufficient although the said debentures are not signed by the then Treasurer of the said Corporation and that the signature of the said Mayor to the interest coupons instead of that of the said Treasurer shall be sufficient.

Expropriation of parts of toll roads brought within city.

4. The said Corporation may acquire by expropriation those portions of certain toll roads which are now within the boundaries of the said city by reason of the extension of the limits thereof in the year 1907 by orders of The Ontario Railway and Municipal Board and any portions of any toll roads which may hereafter be brought within the boundaries of the said city by reason of any further extension

sion of the limits thereof and in the event of the said Corporation failing to agree with any company owning any portion of any toll road so acquired as to the price to be paid therefor, the same shall be settled by arbitration under the provisions in that behalf of *The Consolidated Municipal Act, 1903*, and amendments thereof.

5. The said Corporation may from time to time raise by a special issue of debentures bearing interest at such rate as the Council of the said Corporation may determine and payable in thirty years from the date thereof such sum or sums of money as may be required to provide for the cost of the acquisition of any portion of any toll road which is now or which may hereafter be brought within the boundaries of the said city.

Issue of debentures to cover cost of acquiring toll roads.

6. The said Corporation may borrow upon a special issue of debentures bearing interest at such rate as the Council of the said Corporation may determine and payable in twenty years from the date thereof a sum not exceeding \$15,000 to provide for the cost of the construction of a relief sewer in the central part of the said city.

Authority to borrow \$15,000 for relief sewer.

7. The said Corporation may borrow upon a special issue of debentures bearing interest at such rate as the Council of the said Corporation may determine, and payable in thirty years from the date thereof, a sum not exceeding \$50,000 to provide for the payment of the share of the cost of the construction of a subway on Bank Street in the said city under the tracks of the Canada Atlantic Railway Company ordered by the Board of Railway Commissioners for Canada to be paid by the said Corporation.

Authority to borrow \$50,000 for subway on Bank street

8. The said Corporation may borrow upon a special issue of debentures bearing interest at such rate as the Council of the said Corporation may determine, and payable in thirty years from the date thereof a sum not exceeding \$20,000 to provide for the cost of the construction of a new Registry Office in the said city.

Authority to borrow \$20,000 for construction of new Registry Office

9. No by-law to be passed under the four immediately preceding sections hereof shall require to be submitted to or to have the assent thereto of the electors of the said city before the final passing thereof.

Assent of rate-payers not required.

10. By-law No. 2,720 of the said Corporation, intituled "A By-law to amend By-law No. 2,344," which by-law is set out in Schedule "A" to this Act, is validated and confirmed.

By-law No. 2,720 confirmed.

11. The purchase by the said Corporation of all and singular those certain parcels or tracts of land and premises situate, lying and being in the said City of Ottawa and

Purchase of certain lands and mortgage given to Royal Trust Co. being confirmed.

being composed of, firstly, the south half of lot number twenty-six (26) as shown on a plan of the subdivision of lot letter "K" in concession "B" Rideau Front of the Township of Nepean, signed by Andrew Russell, Assistant Commissioner of Crown Lands, dated at Quebec the 16th day of January, 1862, and now of record in the Department of the Secretary of State, and of, secondly, that part of lot number twenty-seven (27) as shown on said plan, which may be described as follows: commencing on the westerly side of the allowance for road between concessions lettered "B" and "C," Rideau Front of the said Township of Nepean, at the southeasterly angle of sub-lot number twenty-seven (27) aforesaid, thence northerly along the said westerly side of the allowance for road two chains, thence westerly parallel to the side line of the said sub-lot number twenty-seven (27) four chains to the westerly limit of the said sub-lot number twenty-seven (27), thence southerly along the said westerly limit of said sub-lot number twenty-seven (27) two chains to the southerly limit of the said sub-lot number twenty-seven (27), thence easterly along the said southerly limit of said lot number twenty-seven (27) four chains to the place of beginning, the parcel secondly described containing by admeasurement three rods and five perches, be the same more or less, is confirmed and the mortgage thereon bearing date the 1st day of October, 1907, in favour of the Royal Trust Company securing the payment of \$5,625 as therein expressed is validated and confirmed and declared to be binding upon the said Corporation.

Authority to raise annual sums not exceeding \$10,000 for maintenance of public library.

12. Notwithstanding anything contained in any former Act or in any By-law of the City of Ottawa, the Council of the said City may by By-law provide for the payment of a larger sum than \$10,000 in any year or annually for any term of years named in the By-law for maintaining and managing the Public Library, Reading Room, Museum and Evening Class, exclusive of any amount required to be raised for interest and sinking fund: Provided that such By-law shall before the final passing thereof be submitted to the electors qualified to vote on By-laws for the creation of debts and receive the assent of a majority of the electors voting thereon.

By-laws specified in Schedule "B" confirmed.

13. The by-laws of the said Corporation specified in Schedule "B" hereto and all debentures issued or to be issued thereunder and all assessments made or to be made for the payment thereof are hereby validated and confirmed.

By-law No. 2,718 set out in Schedule "C" confirmed.

14. By-law No. 2,718 of the said Corporation, intituled "By-law to adopt the assessment of the City of Ottawa for the year 1908," which by-law is set out in Schedule "C" to this Act, is validated and confirmed.

15. Notwithstanding the provisions of any other Act the municipal council of the Corporation of the City of Ottawa may by by-law provide that the members of the Board of Control of the said City shall each be paid a sum not exceeding \$1,000 for their services during the year in which such by-law was passed and in each year thereafter until such by-law is amended or repealed.

Salaries for
members of
Board of
Control.

SCHEDULE "A."

BY-LAW No. 2,720.

A By-law to amend By-law No. 2,344.

The Municipal Council of the Corporation of the City of Ottawa, subject to confirmation by the Legislature of the Province of Ontario, enacts as follows:—

1. By-law No. 2,344 entitled "A By-law to authorize the issue of debentures of the City of Ottawa to the amount of \$50,000 for the purpose of acquiring such lands, water power and machinery, easements and privileges, and of constructing such buildings and works as may be necessary for the production, manufacture and use of electricity for lighting the streets, squares, lanes, bridges and public places of the said City," is hereby amended by substituting for the words and figures "the 11th day of January, 1904," where the same occur in the fourth line of section 2 thereof, the words and figures "the 1st day of December, 1907," and by substituting for the words and figures "the 11th day of January, 1934," where the same occur in the sixth line of the said section 2, the words and figures "the 1st day of December, 1937," and by substituting for the words and figures "the 11th day of January, and the 11th day of July," where the same occur in the third and fourth lines of section 4 of the said by-law, the words and figures "the 1st day of June and the 1st day of December."

Given under the corporate seal of the City of Ottawa, this 2nd day of March, A.D. 1908.

Certified,

(Sgd.) D'ARCY SCOTT,

Mayor.

(Sgd.) JOHN HENDERSON,

City Clerk.

SCHEDULE "B"

BY-LAWS TO AUTHORIZE THE ISSUE OF DEBENTURES TO DEFRAY THE RATEPAYERS' SHARE OF COST OF CERTAIN LOCAL IMPROVEMENT WORKS

| No. of By-law | Nature of Work under By-law | When passed by Council | Total cost of work | Amount to be borne by city | Amount to be borne by ratepayers | Period of payment | Rate of interest. |
|---------------|---------------------------------------|------------------------|--------------------|----------------------------|----------------------------------|-------------------|-------------------|
| 2650 | Plank Sidewalk..... | 3rd June, 1907 | 930 04 | 448 35 | 481 69 | 5 years | 4 per cent |
| 2651 | do..... | 3rd June, 1907 | 2,010 72 | 1,075 86 | 934 86 | 5 " | 4 " |
| 2657 | Asphalt and Bitulithic pavements..... | 17th June, 1907 | 77,197 56 | 40,480 60 | 36,716 96 | 20 " | 4 " |
| 2658 | Asphalt pavement..... | 17th June, 1907 | 26,798 78 | 13,165 96 | 13,632 82 | 20 " | 4 " |
| 2659 | Sewers..... | 17th June, 1907 | 30,341 89 | 5,789 00 | 24,552 89 | 20 " | 4 " |
| 2660 | Street Opening..... | 17th June, 1907 | 1,545 00 | 828 08 | 716 92 | 20 " | 4 " |
| 2664 | Macadam pavements..... | 17th June, 1907 | 4,794 26 | 1,702 40 | 3,091 86 | 10 " | 4 " |
| 2665 | do..... | 17th June, 1907 | 14,483 28 | 6,809 98 | 7,673 30 | 10 " | 4 " |
| 2666 | Concrete sidewalks..... | 17th June, 1907 | 15,899 39 | 8,624 51 | 7,274 88 | 10 " | 4 " |
| 2667 | do..... | 17th June, 1907 | 11,392 47 | 6,175 68 | 5,216 79 | 10 " | 4 " |
| 2668 | do..... | 17th June, 1907 | 6,645 39 | 3,268 52 | 3,376 87 | 10 " | 4 " |
| 2688 | Asphalt pavement..... | 6th August, 1907 | 21,620 41 | 14,485 67 | 7,134 74 | 20 " | 4 " |

BY-LAWS TO AUTHORIZE THE ISSUE OF DEBENTURES TO DEFRAY THE CITY'S SHARE OF COST OF CERTAIN LOCAL IMPROVEMENT WORKS.

| No. of By-law | Nature of Work under By-law | When passed by Council | Amount of Debt created | Amount to be borne by City | Period of payment | Rate of interest |
|---------------|--|------------------------|------------------------|----------------------------|-------------------|------------------|
| 2653 | Plank sidewalks..... | 3rd June, 1907 | 1,524 21 | 1,524 21 | 5 years | 4 per cent |
| 2662 | Asphalt and Bitulithic pavements and sewers..... | 17th June, 1907 | 59,435 56 | 59,435 56 | 20 " | 4 " |
| 2663 | Street Opening..... | 17th June, 1907 | 828 08 | 828 08 | 20 " | 4 " |
| 2670 | Tar Macadam pavements..... | 17th June, 1907 | 8,512 38 | 8,512 38 | 10 " | 4 " |
| 2671 | Concrete sidewalks..... | 17th June, 1907 | 18,068 71 | 18,068 71 | 10 " | 4 " |
| 2689 | Asphalt pavement..... | 6th August, 1907 | 14,485 67 | 14,485 67 | 20 " | 4 " |

CUMULATIVE BY-LAWS TO AUTHORIZE THE ISSUE OF DEBENTURES CONSOLIDATING THE BROKEN AMOUNTS, BEING THE RATEPAYERS' SHARE,
NAMED IN CERTAIN LOCAL IMPROVEMENT BY-LAWS.

| No of By-law. | Nature of work under By-law. | When passed by Council. | Total cost of work. | Amount to be borne by city. | Amount to be borne by ratepayers. | Period of payment. | Rate of interest. |
|---------------|--|-------------------------|---------------------|-----------------------------|-----------------------------------|--------------------|-------------------|
| 2652 | Plank sidewalks | 3 June, 1907 | 2,940 76 | 1,524 21 | 1,416 55 | 5 years. | 4 per cent. |
| 2661 | Asphalt and Bitulithic pavements, sewers and street openings | 17 June, 1907 | 135,883 23 | 60,263 64 | 75,619 59 | 20 " | 4 " |
| 2669 | Tar macadam pavements and concrete sidewalks | 17 June, 1907 | 53,214 79 | 26,581 09 | 26,633 70 | 10 " | 4 " |

DEBENTURE BY-LAWS OTHER THAN FOR LOCAL IMPROVEMENTS.

| By-law. | Term of years. | Purpose. | Amount. | Interest. | Issued. |
|---------|----------------|-------------------------------------|--------------|---------------------------------|---------|
| 2344 | 30 | Electric light (St. lights) | \$ 50,000 00 | 4 per cent. | 1904 |
| 2549 | 30. | Public school | 20,000 00 | 4 ³ / ₈ " | 1906 |
| 2578 | 40 | Water works | 100,000 00 | 4 ³ / ₈ " | 1906 |
| 2605 | 30 | Electric light | 50,000 00 | 4 ³ / ₈ " | 1906 |
| 2613 | 40 | Parks | 5,500 00 | 4 ³ / ₈ " | 1907 |
| 2634 | 30 | Public school | 187,000 00 | 4 ³ / ₈ " | 1907 |
| 2672 | 20 | Asphalt plant | 16,000 00 | 4 ³ / ₈ " | 1907 |
| 2679 | 20 | Public Library | 15,000 00 | 4 ³ / ₈ " | 1907 |
| 2681 | 30 | Water works | 60,000 00 | 4 ³ / ₈ " | 1907 |
| 2692 | 30 | Collegiate institute | 270,000 00 | 4 ³ / ₈ " | 1907 |
| 2709 | 30 | Widening Little Sussex Street | 60,000 00 | 4 ³ / ₈ " | 1907 |

SCHEDULE "C."

BY-LAW No. 2,718.

By-law to adopt the assessment of the City of Ottawa for the year 1908.

The Municipal Council of the Corporation of the City of Ottawa enacts as follows:—

1. The assessment of the following wards in the said City of Ottawa, that is to say:—Victoria Ward, Dalhousie Ward, Wellington Ward, Central Ward, St. George's Ward, By Ward, and Ottawa Ward, made by the Assessment Commissioner and the assessors for the said City of Ottawa, and completed on the 6th day of December, 1907; the assessment of that part of the said City of Ottawa, which prior to the 16th day of December, 1907, constituted the Village of Ottawa East, made by the assessor for the said Village, and completed on the 24th day of July, 1907; the assessment of that part of the City of Ottawa, which prior to the said 16th day of December, 1907, constituted the Village of Hintonburg, made by the assessor for the said village and completed on the 31st day of July, 1907, and the assessment of that part of the said City of Ottawa, lying between the Rideau River and the Rideau Canal and the western boundary of what was formerly the Village of Ottawa East and Concession Street, produced to the Rideau River made by the assessors for the Township of Nepean, and completed on the 7th day of June, 1907, are hereby adopted as the assessment of the said several wards and parts of the said City of Ottawa for the year 1908.

Given under the corporate seal of the City of Ottawa, this 17th day of February, A.D. 1908.

Certified,

(Sgd.) D'ARCY SCOTT,
Mayor.

(Sgd.) JOHN HENDERSON,
City Clerk.

CHAPTER 103.

An Act respecting the Town of Perth.

Assented to 14th April, 1908.

WHEREAS the Corporation of the Town of Perth Preamble. has by its petition represented that plans for a system of sewers for the said Town were prepared by Willis Chipman, C.E., and that for the purpose of constructing part of such system By-law No. 897 of the said Town was passed on the 27th July, 1903, and that such by-law was confirmed by *The Town of Perth Act, 1904*, and authority was given by that Act to the Municipal Council of the said Town from time to time to pass by-laws for the enlargement or extension of such system of sewers, but so that the amount expended from the general funds should not exceed \$40,000, in addition to the sum of \$30,000 authorized by said By-law No. 897, and that the Town's share of the sewers of the said system that have been constructed is about \$62,000, and that it is estimated that the Town's share of the cost of the sewers yet to be constructed to complete the said system is \$25,000, in addition to the \$70,000 already authorized; and whereas the said Corporation has further represented that the Municipal Council of the said Town on 13th November, 1905, passed By-law No. 974 (a copy of which by-law, omitting Schedule "B" thereto, is set forth in Schedule "A" of this Act), authorizing the issue of debentures to the amount of \$8,491.99, being the property owners' share of the cost of certain portions of the said system of sewers and have in each of the three years, 1905, 1906 and 1907, levied the rates imposed by such by-law, but that the debentures authorized under such by-law have not been disposed of and the Council have passed their By-law No. 1046 (a copy of which is set forth in Schedule "B" of this Act), to increase the rate of interest on such debentures to five per cent., and have prayed that authority may be granted to the said Corporation to complete such system of sewers and to construct branch drains or connections from the sewers to the line of the streets and also on the premises of the property owners and to issue debentures for all or any of such purposes as well for the work already done

done as for work to be done, and to issue the debentures under the said By-law No. 974 in respect of the amount not heretofore levied, bearing interest at the rate of five per cent. per annum and to guarantee all such debentures by the Municipality at large; and whereas no opposition has been offered, and it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Construction of sewers confirmed.—
Power to pass by-laws making variations in system of sewers by two-thirds vote.

Town's share not to exceed \$95,000.

Apportionment of cost.

Construction of branch drains or connections.

Assent of rate-payers not required.

1. The construction heretofore by the said Corporation of any sewers intended to form a part of the said system of sewers is hereby confirmed, and it shall be lawful for the Municipal Council of the said Town to pass a by-law or from time to time to pass by-laws for the extension and completion of the said system of sewers with any additions thereto or variations or modifications thereof whenever the said Council by a vote of two-thirds of all the members at any regular meeting thereof deem the same necessary or desirable, provided that the debentures to be issued for the Town's share of the cost of construction of such system of sewers including all debentures therefor heretofore issued shall not exceed the sum of \$95,000. It shall be provided by by-law or by-laws that the sum of fifty cents per foot frontage shall be charged to and levied on all real property fronting or abutting on the street or streets in which a sewer has been or may be constructed, and that the balance of the cost shall be borne and paid by the Municipality at large, and that the payment of the cost of such sewer or sewers may be spread over a term of thirty years, and that debentures of the said Corporation may be issued to defray such cost bearing interest at a rate not exceeding five per cent. per annum, and that the portion of such debentures issued in respect of the portion of the cost chargeable to the abutting real property may be guaranteed by the Municipality at large.

2. The Municipal Council may also, by the same or any other by-law or by-laws, authorize the construction of branch drains or connections from any sewer to the line of the street, and also on the lands and premises of abutting property owners, and as to such drains and connections as well as to those already constructed may assess and levy the cost thereof with interest at a rate not exceeding five per cent. by an annual special rate on the lands benefited spread over a period not exceeding thirty years, and may issue debentures for the amount of such cost secured on such special rate and guaranteed by the Municipality at large.

3. It shall not be necessary to obtain the assent of the ratepayers of the Town of Perth entitled to vote upon by-laws

laws to any by-law passed under the provisions of the two preceding sections, or to observe any of the formalities in relation thereto prescribed by the provisions of *The Consolidated Municipal Act, 1903*, relating to local improvements. 3 Ed. VII, c. 19.

4. Any provisions contained in *The Consolidated Municipal Act, 1903*, and any amendments thereto, which are or may be inconsistent with the provisions of this Act or any of them, shall not apply to any by-law or by-laws passed under the authority of this Act, and no irregularity in the form of the debentures issued thereunder shall render the same invalid or illegal or be allowed as a defence to any action brought against the said Corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity for the issue of such debentures, or any of them, or as to the application of the proceeds thereof. Inconsistent enactments not to apply.
Irregularity in form not to invalidate.

5. The said By-law No. 974 as amended by By-law No. 1046 is hereby declared to be legal, valid and binding, and the said Corporation is hereby authorized and required to issue twenty-seven (27) debentures, amounting in the aggregate to the total principal sum of \$8,019.34, one to mature on the twentieth day of December in each year from 1908 to 1934, both inclusive, and to bear interest at the rate of five per cent. per annum computed from the twentieth December, 1907, in accordance with said By-law No. 1046, and such debentures so issued shall be legal, valid and binding upon the said Corporation at large. By-law No. 974, as amended by By-law No. 1046, confirmed.

6. The Council may make agreements with any bank, or with any person or body corporate, for temporary advances and loans for meeting the cost of any of the said works until the completion thereof, and may in their option make the special assessments for the cost thereof after the work or improvement has been completed, and may then pass the necessary by-law or by-laws authorizing the issue of debentures to repay the amount of the temporary loan or advance. Agreements with bank for temporary loans.

SCHEDULE "A."

BY-LAW No. 974.

A By-law authorising the issue of debentures of the Town of Perth, for the sum of \$8,491.99, secured by local special rates for payment of the property owners' share of certain sewers constructed as local improvements.

Passed November, 13, A.D. 1905.

Whereas upon the recommendation of the engineer of the Town of Perth, and in the opinion of the Council of the Corporation of the

the said Town, it became desirable and necessary in the public interest to construct as local improvements sewers upon the following portions of streets: on North street from Sherbrooke Street to Gore Street, on Victoria Street from North Street to Isabella Street, on Drummond Street from North Street to Mary Street, on Gore Street from North Street to the north limit of lot No. 42, on D'Arcy Street from Victoria Street to the west limit of lot No. 29, on North Street from Gore Street to a point 177 feet west of Gore, on Beckwith Street from Cockburn Street to the Tay Canal, on Drummond Street from Harvey Street to Halton Street, on Gore Street from Cockburn to Halton Street, and the said council thereupon gave due notice of its intention to pass a By-law for that purpose, and to assess and levy upon the lands fronting or abutting upon the said portions of streets a uniform frontage rate of 50c. per foot frontage pursuant to the provisions of the Statutes in that behalf,

And whereas although duly notified as aforesaid, the majority of the owners of such real property upon the respective streets above mentioned representing at least one-half of the value thereof, have not petitioned the said council against the said respective works and assessments;

And whereas the said sewers have been constructed and the total cost thereof is the sum of \$19,618.93 of which amount the sum of \$11,126.94 is to be paid by the town, and the remaining sum of \$8,491.99 is to be defrayed by the ratepayers, and is the amount of the debt to be created by this By-law;

And whereas the said sum of \$8,491.99 has been raised by way of temporary loans, and the said sewers paid for;

And whereas it is desirable to issue debentures to repay the said temporary loans chargeable against the properties fronting or abutting upon the said portions of streets aforesaid;

And whereas, it is desirable to make the principal of the said debt repayable by yearly sums during the period of thirty years being the currency of the said debentures next after the date on which this By-law takes effect, such yearly sums being of such amounts that the aggregate amount payable in any year of principal and interest shall be as nearly as possible equal to the amount so payable in each of the other twenty-nine years of the said period;

And whereas the total amount required by *The Municipal Act* to be raised in each year by a special uniform rate per foot upon the frontage of the properties fronting or abutting upon the said portions of streets is the sum of \$491.09;

And whereas the debt for the said sum of \$8,491.99 to be created by this By-law is created on the security of the said uniform special rate settled by this By-law, and further, guaranteed by the said municipality at large;

And whereas the value of the whole real property rateable under this By-law according to the last revised assessment roll of the said town is the sum of \$268,500.00;

And whereas the amount of the existing debenture debt of the said town is \$77,324.98 of which no principal or interest is in arrear;

Therefore the Municipal Council of the Corporation of the Town of Perth enacts as follows:

1. For the purpose of raising the said sum of \$8,491.99 to be applied and expended in payment of the said temporary loans heretofore obtained for the construction of the said sewers, and chargeable against the said properties, and for no other purposes debentures of the Town of Perth to the sum of \$8,491.99 in sums of not less than \$100 each shall be issued on the 20th day of November, A.D. 1905, each of which debentures shall be dated on the 3rd day of January, A.D. 1905, and shall be payable within thirty years thereafter.

2. Each of the said debentures shall be signed by the Mayor of the said town or by some other person authorized by By-law to sign same,

same, and also by the treasurer thereof, and the clerk of the said town shall attach thereto the corporate seal of the said corporation.

3. The said debt and the debentures issued therefor shall bear interest at the rate of four per centum per annum from the date thereof, and the said debentures both as to principal and interest shall be payable annually on the twentieth day of December, at the Merchants Bank of Canada, in the Town of Perth, and shall have attached to them coupons for payment of the said interest which coupons shall be signed by the Mayor of the said Town of Perth or by some other person authorised by By-law to sign same and also by the treasurer thereof.

4. The said debentures shall be payable in thirty annual instalments during the thirty years next after the date thereof, and the respective amounts payable for principal and interest during each of the said years shall be as shown in Schedule "A" hereto annexed.

5. That for the purpose of paying the said instalment of principal and interest as the same becomes due the sum of \$491.09 shall be raised annually during the currency of the debentures to be issued under this By-law, and for that purpose the special rate per foot frontage set forth in Schedule "B" hereto annexed which is to be taken as forming part of this By-law is hereby charged and imposed on the real property of the ratepayers mentioned and described in the said schedule according to the frontage thereof over and above all other rates and taxes which said special frontage rate is sufficient to produce in each year the sum of \$491.09, and shall be annually inserted in the collector's rolls for the said town, and shall be payable to and collected by him in the same manner as other rates on the said rolls.

6. The debt created by this By-law for the sum of \$8,491.99 is created on the security of the special rate settled by this By-law, and is further guaranteed by the municipality at large.

7. If at any time any of the owners of the said real property hereinbefore referred to, or of any part thereof, desire to commute the assessment imposed by this By-law by the payment of her, his or their share or shares of the cost of the said improvements as a principal sum in lieu of the said special annual, frontage rate, she, he or they may so commute by the payment of fifty cents per foot frontage of the said respective properties, and in any other year during the currency of the said debentures by the payment of such sums as will be sufficient if invested at interest at the rate of three per centum per annum compounded yearly during the term the said debentures will have to run to pay a proportionate share of the said instalment then remaining unpaid.

8. The monies received in commutation of the said rates under the preceding section of this By-law shall be invested by the treasurer from time to time as the law directs.

9. This By-law shall take effect and come into operation on the final passing thereof.

(Signed) Jno. A. KERR,
Town Clerk.

(Seal.)

(Signed) C. J. Foy,
Mayor.

SCHEDULE "A."

Showing how the sum of \$491.09 to be raised by special tax is expended.

| Year. | Interest. | Principal. | Total. |
|-----------|-----------|------------|----------|
| 1905..... | \$339 68 | \$151 41 | \$491 09 |
| 1906..... | 333 62 | 157 47 | 491 09 |
| 1907..... | 327 32 | 163 77 | 491 09 |
| 1908..... | 320 77 | 170 32 | 491 09 |
| 1909..... | 313 96 | 177 13 | 491 09 |
| 1910..... | 306 87 | 184 22 | 491 09 |

Year

| Year. | Interest. | Principal. | Total. |
|-----------|-----------|------------|--------|
| 1911..... | 299 50 | 191 59 | 491 09 |
| 1912..... | 291 84 | 199 25 | 491 09 |
| 1913..... | 283 87 | 207 22 | 491 09 |
| 1914..... | 275 58 | 215 51 | 491 09 |
| 1915..... | 266 96 | 224 13 | 491 09 |
| 1916..... | 257 99 | 233 10 | 491 09 |
| 1917..... | 248 68 | 242 41 | 491 09 |
| 1918..... | 238 98 | 252 11 | 491 09 |
| 1919..... | 228 09 | 262 20 | 491 09 |
| 1920..... | 218 41 | 272 68 | 491 09 |
| 1921..... | 207 50 | 283 59 | 491 09 |
| 1922..... | 196 16 | 294 93 | 491 09 |
| 1923..... | 184 36 | 306 73 | 491 09 |
| 1924..... | 172 09 | 319 00 | 491 09 |
| 1925..... | 159 33 | 331 36 | 491 09 |
| 1926..... | 146 06 | 345 03 | 491 09 |
| 1927..... | 132 25 | 358 84 | 491 09 |
| 1928..... | 117 90 | 373 19 | 491 09 |
| 1929..... | 102 97 | 388 12 | 491 09 |
| 1930..... | 87 35 | 403 74 | 491 09 |
| 1931..... | 71 30 | 419 79 | 491 09 |
| 1932..... | 54 41 | 436 68 | 491 09 |
| 1933..... | 37 04 | 454 05 | 491 09 |
| 1934..... | 18 88 | 472 21 | 491 09 |

(Signed) JNO. A. KERR,

Town Clerk.

(Signed) C. J. FOY,

Mayor.

SCHEDULE "B."

BY-LAW NUMBER 1046 OF THE TOWN OF PERTH, TO AMEND BY-LAW NUMBER 974.

Passed February 13, 1908.

Whereas the Municipal Council of the said Town, on thirteenth November, 1905, passed their By-law number 974, authorising the issue of debentures to the amount of \$8,491.99 for payment of the property owners' share of certain sewers;

And whereas the debentures authorised to be issued by the said By-law have not been sold, but the council have in each of the three years, 1905, 1906 and 1907, levied the sum of \$491.09, in accordance with the said By-law and have thus, in effect, paid off the three debentures maturing in those years respectively as well as interest on the whole of such issue up to twentieth December, 1907;

And whereas owing to an advance in the rate of interest for money since the said By-law was passed, the remaining debentures cannot be sold or disposed of except at a discount involving a substantial reduction in the amount required to be provided for, and it is necessary to make the rate of interest thereon five per cent.;

And whereas the sum of \$547.63 will require to be raised in each year for twenty-seven years to pay the debentures to be issued for the principal sum remaining unpaid and interest thereon at the rate of five per cent. per annum;

Therefore the Municipal Council of the Corporation of the Town of Perth enacts as follows:

1. That the principal sum of \$8,019.34 authorised under By-law number 974, which remains unpaid, shall bear interest computed from the twentieth day of December, 1907, at the rate of five per cent.

cent. per annum, and that twenty-seven debentures be issued of the respective amounts shown in the annexed Schedule "X" to fall due on the twentieth December, in each of the respective years from 1908 to 1934 both inclusive.

2. That for the purpose of paying the annual instalment of principal and interest as the same becomes due the sum of \$547.63 shall be raised annually during the currency of the debentures to be issued under this By-law, and for that purpose a special rate of $3\frac{1}{4}$ cents per foot frontage on all the lands mentioned in Schedule "B" of By-law Number 974, is hereby charged and imposed on the real property of the ratepayers mentioned and described in the said schedule according to the frontage thereof over and above all other rates and taxes which said special frontage rate is sufficient to produce in each year the sum of \$547.63, and shall be annually inserted in the collector's rolls for the said town, and shall be payable to and collected by him in the same manner as other rates on the said rolls.

3. By-law No. 974 is hereby amended in accordance herewith and and so much thereof as is inconsistent herewith is hereby repealed.

JNO. A. KERR,
Town Clerk.

(Seal.)

H. M. SHAW,
Mayor.

SCHEDULE "X."

Showing how the sum of \$547.63 to be raised by special tax is expended.

| Year. | Interest. | Principal. | Total. |
|-----------|-----------|------------|----------|
| 1908..... | \$400 97 | \$146 66 | \$547 63 |
| 1909..... | 393 58 | 154 05 | 547 63 |
| 1910..... | 385 88 | 161 75 | 547 63 |
| 1911..... | 377 76 | 169 87 | 547 63 |
| 1912..... | 369 31 | 178 32 | 547 63 |
| 1913..... | 360 40 | 187 23 | 547 63 |
| 1914..... | 351 04 | 196 59 | 547 63 |
| 1915..... | 341 21 | 206 42 | 547 63 |
| 1916..... | 330 89 | 216 74 | 547 63 |
| 1917..... | 320 06 | 227 57 | 547 63 |
| 1918..... | 308 69 | 238 94 | 547 63 |
| 1919..... | 296 74 | 250 89 | 547 63 |
| 1920..... | 284 20 | 263 43 | 547 63 |
| 1921..... | 271 03 | 276 60 | 547 63 |
| 1922..... | 257 20 | 290 43 | 547 63 |
| 1923..... | 242 68 | 304 95 | 547 63 |
| 1924..... | 227 37 | 320 26 | 547 63 |
| 1925..... | 211 42 | 336 21 | 547 63 |
| 1926..... | 194 61 | 353 02 | 547 63 |
| 1927..... | 176 96 | 370 67 | 547 63 |
| 1928..... | 158 43 | 389 20 | 547 63 |
| 1929..... | 138 98 | 408 65 | 547 63 |
| 1930..... | 118 55 | 429 08 | 547 63 |
| 1931..... | 97 10 | 450 53 | 547 63 |
| 1932..... | 74 58 | 473 05 | 547 63 |
| 1933..... | 50 93 | 496 70 | 547 63 |
| 1934..... | 26 10 | 521 53 | 547 63 |

\$8,019 34

(Sgd.) JNO. A. KERR,
Town Clerk.

(Sgd.) H. M. SHAW,
Mayor.

CHAPTER

CHAPTER 104.

An Act respecting the City of Peterborough.

Assented to 14th April, 1908.

Preamble.

WHEREAS the Corporation of the City of Peterborough has by petition represented that the interests of the Corporation would be better served by a Council composed of aldermen elected for a term of two years—one half of the aldermen to retire each year; that the Peterborough Water Commissioners have expended the contingent fund they were authorized to form by Chapter 74 of the Statutes of the Province of Ontario passed in the third year of the reign of His Majesty King Edward the Seventh as amended by Chapter 67 of the Statutes of the said Province passed in the fifth year of the said reign, in making extensions, repairs, improvements, and alterations in the waterworks and have asked the Council of the said City to issue the debentures of the Corporation for the amount already expended and that may be hereafter expended out of said contingent fund, to be held by the said Water Commissioners as an investment of the said contingent fund, and the said Council is willing to do so, if the issue of said debentures is authorized by the Legislature; that it is desirable that the Acts respecting the Commissioners of the Peterborough City Trust should be amended so as to provide that each Commissioner (who is now appointed for life) shall be appointed for a term of five years, and that the authorities and duties of the said Commissioners may be increased and more clearly defined; that it is desirable that the Board of Education of the said City may be authorized to sell and convey to the Corporation and the Corporation may be authorized to purchase from the Board of Education, for the purpose of a Public Park, land in the said City opposite the King Edward School now vested in the said Board of Education, and to issue the debentures of the Corporation for the purchase price thereof not exceeding the sum of \$3,000; that it is desirable that the following by-laws of the said Corporation should be ratified and confirmed, viz.: A by-law to aid The Colonial Weaving Company (Limited), which
by-law

by-law was submitted to the vote of the duly qualified ratepayers of the said City and was carried by a majority of those who voted thereon, but did not receive the necessary majority required under the provisions of *The Municipal Act*; and by-laws to fix the assessment of The Auburn Woollen Company at \$40,000, for ten years, and of The Peter Hamilton Company (Limited), at \$20,000, for ten years set out as Schedules "A," "B" and "C" hereto, which by-laws set out the reasons which influenced the said Council to pass the same; a by-law to provide for a fixed charge for connection with trunk sewers or with sewers for the drainage of property not specially assessed therefor set out as Schedule "D" hereto; a by-law to provide for borrowing \$25,000 to pay the amount expended in building an addition to the Queen Alexandra Public School, and the by-laws to provide for borrowing money to pay the cost of sewers and granolithic sidewalks constructed in the years 1905, 1906, and 1907, as local improvements; particulars of which said money by-laws are set out in Schedule "E" hereto; that it is desirable that the Council of the said Corporation should be authorized to pass a by-law to grant by way of a loan the sum of \$30,000, and to give other concessions to secure the continuation of the business lately carried on by The William Hamilton Manufacturing Company (Limited), in the City of Peterborough, provided the said by-law first receives the assent of a majority of the ratepayers of the said City qualified to vote on by-laws for creating debts, voting thereon; and whereas the value of the whole rateable property of the said Corporation, according to the last revised assessment roll, is the sum of \$8,297,495 and the existing debenture debt, exclusive of local improvement debts payable by special rates, and the debt incurred for the purchase and improvement of the waterworks is the sum of \$510,017.85, and there is no part of the principal or interest in arrear; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Unless and until changed as hereinafter provided, the Council of the City of Peterborough shall continue to be composed of a mayor and twelve aldermen to be elected by general vote and beginning with the municipal election for the year 1909, the six aldermen who obtain the highest number of votes at the said election shall be elected and hold office for a term of two years, and the six aldermen who obtain the next highest number of votes shall be elected and hold office for a term of one year and thereafter one-half the aldermen composing the Council shall

Aldermen to be
elected for
two years—one
half retiring
each year.

be elected each year and shall hold office for a term of two years; provided, however, that the said Council may, by by-law to be hereafter passed, provide for the election of two aldermen for each ward, instead of by general vote, but such by-law shall not be finally passed or become operative until it shall have been submitted to and received the assent of the majority of the electors of the said City voting thereon, and upon a petition signed by at least twenty per cent. of the said electors being presented to the Council on or before the first day of November in any year asking for the submission of a by-law to provide for the election of aldermen by wards, it shall be the duty of the Council to pass such by-law and to submit it to the said electors at the then next annual municipal election and provided the said by-law receives the assent of the majority of the electors voting thereon, to finally pass the same and at the next annual municipal election after the final passing of the said by-law, two aldermen shall be elected for each ward in said City, and the alderman who obtains the highest number of votes in each ward at such election shall be elected and hold office for a term of two years, and the alderman who receives the next highest number of votes in each ward shall be elected and hold office for a term of one year, and thereafter one alderman shall be elected annually for each ward, and shall hold office for a term of two years, and the provisions of *The Consolidated Municipal Act, 1903*, and any amendments thereto or of *The Municipal Act* then in force, contrary to and inconsistent with this Act, shall not apply to the Corporation of the City of Peterborough.

Power to issue debentures to cover part of contingent fund expended by water commissioners.

2. It shall be lawful for the Council of the City of Peterborough, without the assent of the ratepayers, to pass by-laws authorizing the issue of and to issue the debentures of the Corporation to be payable within thirty years from the date of the issue of the same, and bearing interest at a rate not exceeding five per cent. per annum. for that portion of the contingent fund of the Peterborough Water Commissioners which has been or may hereafter be used for extensions in mains and services therefrom—such debentures when issued to be handed to the said Water Commissioners to be held by them as an investment of the said contingent fund as provided by section 3 of Chapter 74 of the Statutes of the Province of Ontario, passed in the third year of the reign of His Majesty King Edward the Seventh, with the right to the said Commissioners to sell and dispose of the said debentures or any of them at any time and to use the proceeds derived therefrom for any of the purposes in section 3 mentioned; provided that any by-laws passed under the provisions of this section shall be submitted to and receive the approval of The Ontario Railway and Municipal Board, and after receiving such approval

the said by-laws and all debentures issued or to be issued thereunder, shall be legal, valid and binding.

3. Chapter 61 of the Statutes of the late Province of Canada passed in the twenty-fourth year of the reign of Her late Majesty Queen Victoria, Chapter 70 of the Statutes of the Province of Ontario passed in the thirty-third year of the said reign, and Chapter 40 of the Statutes of the Province of Ontario passed in the thirty-eighth year of the said reign are hereby repealed.

24 Vic., c. 61,
and 33 Vic., c.
70 and 38 Vic.
c. 40 repealed.

4. James Stevenson, John Carnegie, Richard Hall, William Henry Moore and Robert Innis, the present Commissioners of the Peterborough City Trust, and their successors in office to be appointed as hereinafter provided, shall be a body corporate under the name of The Peterborough City Trust (herein called the City Trust), and shall be a continuing body.

Certain persons
incorporated
as Peter-
borough City
Trust.

5. The members of the said City Trust shall be five in number, they shall be styled Commissioners of the Peterborough City Trust, and shall enjoy, possess and exercise the powers, rights, privileges and duties herein conferred on them.

Number
and name of
Commissioners.

6. The said Commissioners named in section 4 hereof shall remain in office until their successors are appointed as hereinafter provided, when they shall cease to be such Commissioners, unless re-appointed to such office.

Term of office.

7. The City Council shall at the regular meeting held in the month of February in the year 1909, by by-law, appoint five resident freeholders of the said City, none of whom shall be a member of the Council, who shall be the Commissioners of the City Trust and shall by said by-law fix the term of their holding office as follows:—

Appointment
of by City
Council.

One of such Commissioners shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year, and the Commissioners so appointed and their successors in office shall be the Commissioners of the City Trust and shall hold office until their respective successors are appointed as hereafter mentioned.

Method of
retirement of

8. Thereafter the City Council shall each year at the regular meeting held in the month of February, by by-law, appoint a resident freeholder of the said City, who shall not be a member of the Council, to be a Commissioner in the place of the Commissioner whose term of office shall have expired, and the Commissioner so appointed shall hold office for a term of five years, provided also that

New Com-
missioner to be
appointed
each year.

any

any of the present Commissioners or any Commissioner hereafter appointed shall be eligible for appointment or re-appointment.

Remuneration
of Com-
missioners.

9. The said Commissioners shall be entitled to retain and pay to themselves out of the rents of the real estate vested in the City Trust, in full for their remuneration as such Commissioners the sum of fifty dollars per year each and to retain and pay out of the said rents an additional sum of one hundred and fifty dollars per year to the Chairman which amounts may by by-law of the City Council be increased and any such by-law may thereafter be repealed or amended by the said City Council.

What events to
create a
vacancy.

10. In the event of the death, permanent removal from the said City, disqualification or resignation of any Commissioner of the said City Trust, the same shall respectively create a vacancy in the said body, and the fact of such vacancy shall, forthwith after the same shall happen, be certified in writing to the Mayor of the said City, by the Chairman and Secretary of the said City Trust; and thereupon from time to time as such vacancy shall occur, and as early as conveniently may be thereafter, such vacancy shall be filled by the City Council, which shall have power by by-law to be passed at any regular meeting, to appoint a resident freeholder of the City, who is not a member of the City Council, in the place and for the unexpired term of office of the Commissioner so dying, removing from the said City, becoming disqualified or resigning his office.

Appointment
of Chairman
and Sec'y.-
Treas. by
Commissioners

11. The said Commissioners shall, at their first meeting held after this Act comes into force, and also at the first meeting held in each year thereafter, appoint one of their number to be Chairman, and also appoint a Secretary-Treasurer, who shall hold office during the pleasure of the Commissioners, and shall be paid such salary as the Commissioners may determine, and give such security as the Commissioners may direct, for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys which may come into his hands, and he shall be subject to the by-laws, rules and regulations from time to time adopted by the Commissioners.

Proper books of
account to
be kept.

12. The said Commissioners shall cause to be kept all necessary and proper books, and particularly a book in which shall be entered all payments made and all moneys received by the Commissioners, which books shall be open to the inspection of the ratepayers during office hours, and shall be regularly audited by the Auditor or Auditors appointed by the Council, in the same manner as the books of the said City Corporation are audited.

13. The said Commissioners may hold meetings from time to time as occasion may require, at which the Chairman shall, if present, preside, or in his absence the Commissioners present at any meeting shall appoint a Chairman to preside thereat, and three of the Commissioners shall, if present at any such meeting, form a quorum for the transaction of business, and all deeds, leases, instruments, acts and things necessary to be made, executed and done in carrying out the trusts and purposes of this Act, may be duly authorized at any properly constituted meeting, and all deeds, leases and other instruments duly authorized at any such meeting may be executed by the Chairman and the Secretary-Treasurer, and the corporate seal of the said City Trust affixed thereto, and the same shall when so executed, if within the authority of the said Commissioners, be valid and binding.

Meetings of
Commissioners.

14. The said Commissioners shall have power from time to time to make by-laws, rules and regulations for their own government and the government and conduct of their officers, and the carrying on the business of the said City Trust.

Power to make
by-laws,
regulations, etc.

15. All debentures, securities and other assets heretofore vested in the Commissioners of the Peterborough City Trust, and all leases, contracts and agreements heretofore made and entered into by and with the said Commissioners are hereby respectively declared to be vested in the said City Trust, the corporate body created by this Act.

Securities,
assets, etc. of,
former Com-
missioners
vested in City
Trust under
this Act.

16. All real estate now vested in the present Commissioners of the Peterborough City Trust, and all real estate now vested in the Corporation of the City of Peterborough, shall from and after the passing of this Act be, and the same is hereby declared to be, vested in the said City Trust, which shall hold the same in fee simple, in trust for the purposes hereinafter mentioned.

Real estate
vested in
former
Commissioners
and in the
City to be
vested in City
Trust under
this Act.

17. A certain mortgage dated the 13th day of November, 1857, and registered in the Registry Office for the County of Peterborough on the 1st day of February, 1858, as Number 13,005, from George Tate and John Fowler to William Cluxton, now deceased, as Trustee for the City of Peterborough, and all principal and interest due or to mature thereon and the benefit and advantage of all covenants therein contained and the right to demand, sue for and recover the amount secured thereby and to discharge or release the said mortgage when fully paid, are hereby vested in and may be exercised by the said City Trust.

Certain mort-
gage to be
vested in City
Trust.

18. The said Commissioners shall have the collection and management of the sinking funds and interest of all debentures

Commissioners
to collect,
manage

tures

sinking funds and interest and pay all debentures of City.

tures issued or to be issued by the Corporation of the said City, and the investment of such sinking funds and the payment of the principal and interest of all debentures of the said City.

Leases of real estate by Commissioners.

19. The said Commissioners may, without the assent or approval of the said Council, make leases of any portion or portions of the real estate vested in it (except such parts thereof as are now or may hereafter be occupied or required by the said Council for municipal purposes) for such term or terms not exceeding five years, at such reserved rents and on such conditions as the said Commissioners may think advisable, and may if thereunto authorized by by-law of the City Council make leases of any portion or portions of the said real estate for such longer term and at such reserved rents and on such conditions as may be authorized by said by-law.

Application of rents and profits from real estate.

20. The said Commissioners shall apply the rents and profits derived from the said real estate, and the interest received by them on the mortgage in section 17 hereof mentioned, (after paying the expenses of managing the Trust hereby authorized and in maintaining the buildings on the said real estate in good order and repair and in insuring the said buildings against loss by fire for such amounts as they may think advisable) towards payment of the interest and sinking funds of the general city debentures other than local improvement debentures payable by frontage rates and taxes, waterworks debentures or public or separate school debentures.

Power to sell real estate vested in City.

21. The said Commissioners may also, if thereunto authorized by by-law of the said City Council, passed by a two-thirds vote of all the members of the Council, sell and convey any part or parts of the said real estate now, hereby, or hereafter vested in the said City Trust, for such price as may by said by-law be approved of by the said City Council.

Application of proceeds of sale of real estate.

22. All moneys received from sales of any real estate now, hereby or hereafter vested in the said City Trust or the Commissioners thereof, and all money paid on account of the principal money due on the mortgage in section 17 hereof mentioned, shall at the request of the City Council expressed by by-law, passed by a two-thirds vote of all the members of the Council, be applied by the said Commissioners either in the purchase of other real estate required for municipal purposes or in the reduction of the debenture debt of the said city, or in payment of the sinking funds in respect of such debt, or in such other manner as from time to time may be agreed on by the said Commissioners and the Council of the said city.

23. If thereunto authorized by by-law of the City Council, and out of the sinking funds in said Commissioners' hands, not required for immediate use and as an investment thereof, the said Commissioners may purchase any one or more of the buildings, on the Market Square of said city, erected under ground lease, at such price as said Commissioners and Council may agree on.

Authority to purchase buildings on Market Square out of sinking funds.

24. The said Commissioners shall annually, on or before the first day of February in each year, render an account to the City Council of all moneys received and expended by the Commissioners during the then preceding year, and of all debentures issued during the then preceding year, and of all outstanding debentures.

Commissioners to render account to City Council annually.

25. The said Commissioners shall on or before the first day of February in each year, and oftener if necessary, submit to the Council of the said city, a statement in writing showing the amount specially required (after giving credit for the amounts available for that purpose as herein provided) for payment of the interest and for the sinking funds, or for the annual payments on all debentures of the said City Corporation then outstanding, distinguishing therein the amount required for the interest and sinking funds in respect of the debentures issued for public schools, separate schools and collegiate institute purposes and waterworks and for local improvements respectively and distinguishing the amounts payable from the general funds of the municipality in respect of local improvements from the amounts payable by local special rates, and the said Council shall thereupon impose and levy a special rate upon the rateable property of the said city respectively liable therefor equal to the amount so required, and over and above all other rates to be levied in each year, and the amount of such special rates shall be paid over to the said City Trust on or before the fourteenth day of December in each year.

To report annually as to amounts to be raised for sinking fund and interest.

26. The said Commissioners shall have, enjoy, possess and exercise such other powers, authorities, rights, privileges and duties relating to or in connection with the management and control of the real estate and other assets and finances of the said City Corporation, as may be hereafter conferred on the said Commissioners, by by-law of the said City Council, and any such by-law passed by the said Council, giving or imposing such further powers, authorities, rights, privileges and duties to the said Commissioners, may be thereafter repealed or amended by the said Council, and another by-law or other by-laws may be passed from time to time instead thereof. Provided, however, that any such repealing or amending by-law shall

Further powers may be conferred on Commissioners by by-law of Council.

not

not come into force or effect until the first day of February next after the passing thereof.

Debentures of City to be countersigned by secretary of Trust.

27. All debentures, hereafter issued by the Corporation of the said city, shall be sealed with the corporate seal of the said city and signed by the Mayor and Treasurer and countersigned by the Secretary of the said City Trust, and all coupons attached to such debentures shall be signed by the Mayor and Treasurer of the said city and subsections 1 and 2 of section 429 of *The Consolidated Municipal Act, 1903*, or the similar provisions of any Act hereafter passed amending the same, shall not apply to debentures issued by the Corporation of the City of Peterborough.

Application of certain sections of 3 Edw. VII, c. 19.

28. The provisions of subsections 1, 2 and 3 of section 418 of *The Consolidated Municipal Act, 1903*, or the similar provisions of any Act hereafter passed amending the same, shall apply to and be binding as well on the Commissioners of the said City Trust and their officers, as upon the Council of the said city and its officers, and sections 417, 419, 420, 421, 422 and 427 of the said *Municipal Act* or the similar provisions of any Act hereafter passed amending the same, shall apply to and be binding on the Commissioners of the said City Trust and their officers, and shall not apply to or be binding on the Council of the said city or the officers thereof, it being hereby declared that for the purposes of this Act wherever in the said sections the word "Council" appears the same shall be read "Commissioners," and that wherever the words "Corporation" or "Municipal Corporation" or "Municipality" appear, the same shall be read "City Trust."

Certain persons disqualified as Commissioners.

29. No person having by himself or his partner an interest in any contract with or on behalf of the City Trust or having a contract for the supply of goods or materials to a contractor for work for which the City Trust pays or is liable directly or indirectly to pay or which is subject to the control or supervision of the Commissioners or any one on behalf of the City Trust or who has an unsatisfied claim against the City Trust shall be qualified to be a Commissioner thereof.

Board of Education authorized to sell certain lands to City.

30. The Board of Education of the City of Peterborough is hereby authorized to sell and convey to the Corporation of the City of Peterborough or the Commissioners of the Peterborough City Trust certain land in the City of Peterborough opposite the King Edward School, and not required by the said Board for school purposes, and being all that part of Park Lot number four in Township Lot number fourteen in the twelfth concession of the Township of North

North Monaghan, and now within the limits of the City of Peterborough lying between George Street and Aylmer Street, and the Council of the said City is hereby authorized to purchase the said land from the said Board of Education at any sum not exceeding the sum of \$3,000, and to issue the debentures of the Corporation of the City of Peterborough for the amount required to pay the purchase price of said land, not exceeding the said sum of \$3,000, such debentures to be payable within ten years from the issue thereof and said land when purchased shall be held and used as a public park.

31. By-law Number 1,334 of the Corporation of the City of Peterborough passed on the twenty-ninth day of July, 1907, intituled "A by-law to aid the Colonial Weaving Company, Limited," which by-law is set out as Schedule "A" hereto is hereby confirmed, provided however that the said Corporation may amend clauses (*a*, *b*, *c* and *d*), of section 4 and section 5 of said by-law by changing the dates therein mentioned from 1908 to 1909, and such by-law as so amended shall be legal, valid and binding according to the true intent and meaning thereof.

By-law 1,334
set out in
Sched. "A"
confirmed.

32. By-law Number 1,365 of the said Corporation passed on the third day of February, 1908, intituled "A by-law to fix the assessment of The Auburn Woollen Company," which is set out as Schedule "B" hereto is hereby confirmed and declared legal, valid and binding according to the true intent and meaning thereof.

By-law 1,365 set
out in Sched.
"B" confirmed.

33. By-law Number 1,366 of the said Corporation passed on the third day of February, 1908, intituled "A by-law to fix the assessment of The Peter Hamilton Company, Limited," which by-law is set out as Schedule "C" hereto, is hereby confirmed and declared legal, valid and binding according to the true intent and meaning thereof.

By-law No.
1,366 set out in
Sched. "C"
confirmed.

34. By-law Number 1,364 of the said Corporation passed on the third day of February, 1908, intituled "A by-law to fix a charge for the use of sewers in the City of Peterborough" set out as Schedule "D" hereto is hereby confirmed and declared legal, valid and binding according to the true intent and meaning thereof.

By-law No.
1,364 set out in
Sched. "D"
confirmed.

35. It shall be lawful for the Council of the City of Peterborough to pass a by-law to authorize a loan of \$30,000, and other concessions, to secure the continuation of the business lately carried on by The William Hamilton Manufacturing Company, Limited, in the City of Peterborough in

Authority to
loan \$30,000 to
Wm. Hamilton
Mfg. Co.

in the form set out as Schedule "E" hereto, after the same has been submitted to the votes of the electors of the City of Peterborough qualified to vote on by-laws for creating debts in the manner and as provided by sections 338 to 365 inclusive, and sections 367 to 372 inclusive of *The Consolidated Municipal Act, 1903*, and has received the assent of a majority of those voting thereon, and provided such assent is received and said by-law is passed by the said Council the same shall be legal and valid according to the true intent and meaning thereof, and it shall be lawful for the said Council to carry out the terms and provisions of the said by-law and any debentures issued or to be issued thereunder shall be legal, valid and binding.

Certain by-laws specified in Sched. "F" confirmed.

36. By-law Number 1,325, as amended by By-law Number 1,335, and By-laws Numbers 1,324, 1,326, 1,327, 1,378, 1,379, 1,380 and 1,381 of the said Corporation and By-law Number 1,358 of the said Corporation to provide for borrowing \$25,000, to pay the amount expended in building an addition to the Queen Alexandra Public School, which by-laws are specified in Schedule "F" hereto, and all debentures issued or to be issued thereunder and all assessments made or to be made for the payment thereof are hereby confirmed and declared legal, valid and binding.

SCHEDULE "A."

BY-LAW NUMBER 1334. A BY-LAW TO AID THE COLONIAL WEAVING COMPANY, LIMITED.

Passed the 29th day of July, 1907.

Whereas The Colonial Weaving Company, Limited, have represented to the Council of the City of Peterborough that they find it necessary to increase their manufacturing facilities in the said city, and that, provided the aid herein provided for is granted, they will erect on the land hereinafter referred to a building 200 feet long and 60 feet wide and will instal therein \$30,000 worth of machinery and will give employment to 60 hands, and have applied to the said council for aid in the enlargement of the said manufactory by the granting of three thousand five hundred dollars, for the purchase of lots Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, and block marked "Lane" according to Registered Plan No. 86 for the City of Peterborough, and by granting a partial exemption from taxation by fixing the assessment of the said property as hereinafter mentioned;

And

And whereas it is desirable and in the public interest to encourage the enlargement of the said manufacturing establishment as aforesaid;

And whereas it will be necessary to borrow by the issue of debentures the said sum of three thousand five hundred dollars;

And whereas the amount of the whole rateable property of the municipality according to the last revised assessment roll, being for the year 1907 is the sum of six million, eight hundred and sixty-two thousand five hundred and ninety-one dollars (\$6,862,591);

And whereas the amount of the existing debenture debt of the municipality exclusive of local improvement debts, but including the debt of \$292,000 incurred for the purchase and improvement of the waterworks, is the sum of seven hundred and five thousand and eighty-four dollars and eleven cents (\$705,084.11), and there is no part of the principal or interest in arrear;

And whereas it will require the sum of one hundred and fifty-seven dollars and fifty cents (\$157.50), to be raised annually for a period of twenty years, the currency of the debentures to be issued under and by virtue of this by-law, for paying the interest on the said debt, and the sum of one hundred and twenty-three dollars and fifty cents (\$123.50), to be raised annually during the said period for providing a sinking fund for the payment of the same at the maturity thereof, such last mentioned sum being sufficient, with the estimated interest on the investment thereof, to discharge the said debt when the same becomes due, making in all the sum of two hundred and eighty-one dollars (\$281.00) to be raised annually as aforesaid by special rate on the whole rateable property of the municipality;

The Corporation of the City of Peterborough by the Council thereof therefore enacts as follows:—

1. This by-law shall take effect upon and only upon the confirmation thereof by the Legislature of the Province of Ontario.

2. It shall be lawful for the Council of the said City of Peterborough to borrow the sum of three thousand five hundred dollars and to issue debentures of the said Corporation of the City of Peterborough for the said sum of three thousand five hundred dollars, such debentures to be sealed with the Corporate Seal of the City of Peterborough, and to be signed by the Mayor and Treasurer and countersigned by the Secretary of the Commissioners of the Peterborough City Trust, to be payable within twenty years after the issue thereof, and to bear interest at the rate of four and one-half per cent. per annum, payable half yearly, on the thirtieth day of June and the thirty-first day of December in each year, and to have coupons attached thereto for the payment of such interest. Such debentures, as to principal and interest to be payable at the office of the Secretary of the Commissioners of the Peterborough City Trust, in the City of Peterborough.

3. There shall be raised and levied during each year of the currency of the said debentures by a special rate upon all of the property in the City of Peterborough, liable thereto the sum of \$157.50 for payment of the interest and \$123.50 as a sinking fund for the payment of the said debt at the maturity thereof making together the sum of \$281.00.

4. The proceeds of the said debentures for the sum of three thousand five hundred dollars when sold shall be given to the Colonial Weaving Company, Limited, to aid the said Company in the enlargement of the said manufacturing establishment by the payment of the purchase money of the said lands upon and only upon and subject to the terms and conditions hereinafter mentioned and until the said conditions shall have been fully performed and satisfied the said Company shall not be entitled to the said moneys or to any interest in or right to the same.

The conditions upon which the said grant shall be made are as follows:—

(a) The said Company shall on or before the first day of June, 1908, erect and complete a substantial brick building for the purpose of their manufactory not less than sixty feet wide by two hundred feet long and of suitable and proportionate height.

(b) That the Company shall on or before the first day of June, 1908, instal in the said building at least thirty thousand dollars worth of machinery for the manufacture of woven labels and similar goods.

(c) That the Company shall on or before the first day of June, 1908, have the said manufacturing establishment in running order, and in actual operation and employ at least sixty hands.

(d) That the conveyance of the said lands to the Company shall contain and be subject to the condition that in the event of the said land within the period of ten years from the first day of June, 1908, ceasing to be *bona fide* used for the manufacture of woven labels and similar goods or other manufacturing business approved by the City Council substantially according to the capacity thereof, or any portion of said land being used for other than manufacturing purposes, or in the event of the Company within the said period failing to employ sixty hands for the period of ten months in any one year in the said period of ten years, then the said lands shall revert to and become the absolute property of the Corporation of the City of Peterborough, and free from any claim thereto of the said Company or their assigns unless the said Company or their assigns shall within six months after such period of twelve months for which the said lands shall have ceased to be used or the number of hands shall not have been employed as aforesaid, pay to the Corporation of the City of Peterborough the full sum of three thousand five hundred dollars, provided always that in the event of the failure to use said lands or employ the said hands as aforesaid from time to time being due to strikes or destruction of the buildings or machinery by fire or tempest the time during which the said lands shall so cease to be used or the said number of hands shall not be employed in consequence of such strikes or destruction of the buildings or machinery (not exceeding in either case one year) shall not be counted from time to time in the said period to entitle the Corporation to resume the ownership of said lands or to be paid the value of the said lands as aforesaid. The conveyance of said lands to be in form approved by the City Solicitor for most effectually protecting the interest of the City Corporation.

5. Upon the erection of the said building thereon and the installation of the said machinery therein the assessment of the lands hereinbefore described while used exclusively for manufacturing purposes and the buildings, plant, machinery and fixtures thereon and the business assessment thereof on which taxes are to be levied shall be fixed and remain fixed while the same are so used and while at least sixty hands are employed therein for at least ten months of each year at the sum of \$3,500 for a period of ten years from the first day of January, 1908, and the return and oath of the assessor or assessors in respect thereof shall be amended accordingly, but the same shall for school purposes be and remain liable to assessment, and to payment of school taxes and rates to as full an extent as if this by-law had not been passed, and the assessment for school purposes and the school rates and taxes shall be made, levied and collected thereon in accordance with the provisions of the general law in that behalf, and said land shall be liable for all frontage and local improvement assessments, rates and taxes that are or may be charged against the same, provided, however, that if the said The Colonial Weaving Company, Limited, shall at any time within the said period of ten years fail or neglect to carry on the said manufacturing establishment on the said land or to employ at least 60 hands for at least ten months of each year, then such fixed assessment shall cease, and the said lands, building, plant, machinery and fixtures, and the

business

business assessment thereof shall be assessed and fixed as provided by *The Assessment Act* then in force. Provided further that in the event of the failure to use said lands or employ said hands as aforesaid, from time to time being due to strikes or destruction of the buildings or machinery by fire or tempest, the time during which the said lands shall cease to be used or the said number of hands shall not be employed in consequence of such strikes or destruction of the buildings or machinery, not exceeding in either case one year, shall not be counted from time to time in the said period of ten months, to entitle the Corporation to assess said lands and buildings and property of the Company, and to levy and collect taxes thereon in accordance with the provisions of the general law in that behalf.

6. The said The Colonial Weaving Company, Limited, shall prior to the first day of March in each year, file with the City Clerk a statutory declaration made by an officer or employee of the Company who shall therein state his knowledge of the facts, proving that the said Company has during the year prior thereto complied with and is observing all the terms, conditions and provisions of section 5 of this by-law, and on the neglect of the said Company to furnish such declaration it shall be *prima facie* taken that such terms, conditions and provisions have not been performed, observed and kept, and the Company shall pay all rates and taxes for the then current year on the full assessable value of said lands and property, as shown by their assessment for school purposes.

7. This by-law shall have no force or effect until the said Company shall execute an undertaking agreeing not to oppose the construction of any sewers or sidewalks as local improvements that the Council of the said City may desire to construct under the provisions of *The Municipal Act* relating to local improvements.

8. The votes of the electors of the City of Peterborough qualified to vote upon by-laws for creating debts shall be taken upon this by-law on the eleventh day of July, 1907, commencing at the hour of nine o'clock in the forenoon and closing at the hour of five o'clock in the afternoon of the same day, at the following places, and before the following Deputy Returning Officers with the following Poll Clerks respectively, that is to say:—

Polling Subdivision No. 1.—Place, at M. H. Halpin's store, No. 39 George Street; Deputy Returning Officer, Josiah Robertson; Poll Clerk, John Armstrong.

Polling Subdivision No. 2.—Place, L. Spry's shop, No. 210 Stewart Street; Deputy Returning Officer, Joseph Lundy; Poll Clerk, J. P. Bryson.

Polling Subdivision No. 3.—Place, J. J. Turner & Sons, No. 280 George Street; Deputy Returning Officer, F. J. A. Hall; Poll Clerk, A. W. Turner.

Polling Subdivision No. 4.—Place, the City Council Chamber; Deputy Returning Officer, T. B. McGrath; Poll Clerk, James Pater-son.

Polling Subdivision No. 5.—Place, at store of A. J. Warne, jr., No. 356 Charlotte Street; Deputy Returning Officer, J. M. Greene; Poll Clerk, Henry Greene.

Polling Subdivision No. 6.—Place, J. & W. Metheral's shop, No. 464 Aylmer Street; Deputy Returning Officer, J. R. Metheral; Poll Clerk, W. Metheral.

Polling Subdivision No. 7.—Place, John James' store, No. 332 McDonnell Street; Deputy Returning Officer, John Irwin; Poll Clerk, F. E. Bell.

Polling Subdivision No. 8.—Place, Wm. Lee's shop, Smith Street; Deputy Returning Officer, William Lee; Poll Clerk, Erastinas Green.

Polling Subdivision No. 9.—Place, H. C. Stabler's shop, rear of No. 176 Edinburgh Street; Deputy Returning Officer, George H. Howson; Poll Clerk, F. Dumble.

Polling Subdivision No. 10.—Place, former Village Hall; Deputy Returning Officer, John Malane; Poll Clerk, John Kerr.

Polling

Polling Subdivision No. 11.—Place, Mrs. Swanston's shop, No. 46-48 Hunter Street east; Deputy Returning Officer, James McDonald; Poll Clerk, Robert Hamilton.

9. The 12th day of July, 1907, at the hour of twelve o'clock noon, and the City Clerk's Office, are hereby fixed as the time when, and the place where, the Clerk will sum up the number of votes given for and against the by-law.

10. The 10th day of July, 1907, at the hour of twelve o'clock noon, and the office of the City Clerk, are hereby fixed as the time and place for the appointment of persons to attend at the various polling places, and at the final summing up of the votes by the Clerk respectively, on behalf of the persons interested in and promoting or opposing the passing of the by-law respectively.

(Sgd.) R. F. McWILLIAMS,

Mayor

(Seal.)

(Sgd.) S. R. ARMSTRONG,

Clerk.

SCHEDULE "B."

BY-LAW NUMBER 1,365.

A By-law to fix the Assessment of The Auburn Woollen Company.

Passed the 3rd day of February, 1908.

Whereas The Auburn Woollen Company has represented to the Council of the City of Peterborough that the mills of the said Company are situated in the extreme northeastern part of the City, and on land lying between the river and the Township of Douro, and owing to the situation of the said mills the said Company has none of the advantages enjoyed by the other manufacturing establishments in the City, and has neither fire protection, city water or sewers for the said mills, and has applied to the Council for a fixed assessment on the real estate and plant of the said Company, and the said Council has agreed thereto, and to pass a by-law for that purpose, subject to the confirmation thereof by the Legislature;

The Corporation of the City of Peterborough, by the Council thereof, therefore enacts as follows:—

1. This by-law shall take effect upon and only upon the confirmation thereof by the Legislature of the Province of Ontario, and upon The Auburn Woollen Company executing an undertaking, agreeing not to oppose the construction of any sewers or sidewalks, as local improvements, abutting or fronting on the property in section 2 hereof mentioned, or any part thereof, that the Council may desire to construct under the provisions of *The Municipal Act* relating to local improvements.

2. The assessment of the following lands in the City of Peterborough owned, occupied and used by The Auburn Woollen Company, and being all the land owned by the said Company on the east side of the River Otonabee, lying between the river and the River Road, which forms the eastern boundary of the City, while used or held exclusively for manufacturing purposes, or the part so used or held for manufacturing purposes, and the buildings, plant, machinery and fixtures thereon, and the dam of the said Company and the abutments thereof, and the business assessment thereof on which taxes are to be levied, shall be fixed and remain fixed, while the same are so used or held, and while at least one hundred and twenty hands are employed in said Auburn Mills for at least ten months of each year, at the sum of \$40,000, for a period of ten years from the 1st day of January, 1908, and the return and oath of the assessor or assessors in respect thereof, shall be amended accordingly, but the same shall for school purposes be and remain liable to assessment and the payment of school taxes and

rates

rates to as full an extent as if this by-law had not been passed, and the assessment for school purposes and the school rates and taxes shall be made, levied and collected thereon in accordance with the provisions of the general law in that behalf, and the said lands shall also be liable for all frontage and local improvement assessments, rates and taxes, that may be charged against the same and any dwellings, now or hereafter erected on the said lands, and the land appurtenant to any said dwellings shall not be included in the fixed assessment hereunder, but such dwellings and land while used as such, shall be assessed as provided by *The Assessment Act* then in force; provided, however, that if the said The Auburn Woollen Company shall at any time within the said term of ten years fail or neglect to operate and carry on the said mills, and therein to employ at least one hundred and twenty hands during at least ten months in each year, then such fixed assessment shall cease and the said lands, buildings, plant, machinery, dam and fixtures, and the business assessment thereof shall be assessed and fixed as provided by *The Assessment Act* then in force; provided always that if the failure to carry on the said business is due to strikes, or to the destruction of the said mill buildings, plant, machinery or fixtures by fire or tempest, the time during which the business of the said Auburn Woollen Company shall so cease to be carried on in consequence of such strikes or destruction of the mill buildings, plant, machinery or fixtures, (not exceeding in either case one year), shall not be taken as a failure or neglect to carry on the said business so as to disentitle the said Company to such fixed assessment.

3. The said Auburn Woollen Company shall, prior to the 1st day of March in each year, file with the City Clerk, a statutory declaration made by an officer of the Company, who shall therein state his knowledge of the facts, proving that the said Company has complied with and is observing all the terms, conditions and provisions of this by-law, and on neglect of the said Company to furnish such declaration, it shall be *prima facie* taken that such terms, conditions and provisions have not been performed, observed and kept, and the said fixed assessment shall cease.

(Sgd.) H. RUSH,
Mayor.

(Sgd.) S. R. ARMSTRONG,
Clerk.

(Seal).

SCHEDULE "C."

BY-LAW NUMBER 1,366.

A By-law to fix the Assessment of The Peter Hamilton Company, Limited.

Passed the 3rd day of February, 1908.

Whereas The Peter Hamilton Company, Limited, has represented to the Council of the City of Peterborough, that the business of the said Company as manufacturers of farm implements and harvesting machinery has been carried on continuously in Peterborough, by the said Company and its predecessors, for upwards of sixty years, and during that time the owners of the said business have received no advantages from the municipality, by way of reduced taxes or bonus, and that the said Company is the only manufacturing concern in the said City in its own particular line, and has to compete with manufacturers of agricultural implements in other places, who have received and are now enjoying, municipal assistance by way of exemption from taxes or fixed assessment and other advantages, making it difficult for the said Company to successfully meet such competition, and has applied to the said

Council

Council for a fixed assessment on the real estate and plant of the said Company in the City of Peterborough, and the said Council has agreed thereto, and to pass a by-law for that purpose, subject to confirmation thereof by the Legislature.

The Corporation of the City of Peterborough, by the Council thereof, therefore enacts as follows:—

1. This by-law shall take effect upon and only upon the confirmation thereof by the Legislature of the Province of Ontario, and upon The Peter Hamilton Company, Limited, executing an undertaking to at once remove the elevator or hoist at present at the west side of the manufacturing establishment of the Company so that it will not project over or obstruct any part of George Street, and agreeing not to oppose the construction of any sewers or sidewalks as local improvements, abutting or fronting on the property in section 2 hereof mentioned or any part thereof, that the said Council may desire to construct under the provisions of *The Municipal Act* relating to local improvements.

2. The assessment of the following lands in the City of Peterborough owned, occupied and used by the said The Peter Hamilton Manufacturing Company, Limited, and being lot number one south of King Street and east of George Street; lot number one north of Sherbrooke Street and east of George Street; and all that part of Block A, as shown on registered plan number 11, for the City of Peterborough, lying between Water Street and said lots numbers one south of King Street and north of Sherbrooke Street; lots numbers one and two south of King Street and west of George Street; lot number three south of King Street and west of George Street, except the westerly sixty-two links by the whole depth of the lot; and lot number three north of Sherbrooke Street and west of George Street; while used exclusively for manufacturing purposes, or the part so used for manufacturing purposes, and the buildings, plant, machinery and fixtures thereon, and the business assessment thereof on which taxes are to be levied, shall be fixed and remain fixed, while the same are so used and while at least seventy-five hands are employed therein for at least ten months of each year, at the sum of \$20,000, for a period of ten years from the 1st day of January, 1908, and the return and oath of the assessor or assessors in respect thereof, shall be amended accordingly, but the same shall for school purposes be and remain liable to assessment and the payment of school taxes and rates to as full an extent as if this by-law had not been passed, and the assessment for school purposes and the school rates and taxes shall be made, levied and collected thereon in accordance with the provisions of the general law in that behalf, and the said lands shall also be liable for all frontage and local improvement assessment, rates and taxes that may be charged against the same, and any dwellings erected on the said lands and the land appurtenant to any said dwellings shall not be included in the fixed assessment hereunder, but such dwellings and land, while used as such, shall be assessed as provided by *The Assessment Act* then in force; provided however that if the said Peter Hamilton Company, Limited, shall at any time within the said term of ten years fail or neglect to operate and carry on the said manufacturing establishment, and therein to employ at least seventy-five hands during at least ten months in each year, then such fixed assessment shall cease, and the said lands, buildings, plant, machinery and fixtures, and the business assessment thereof shall be assessed and fixed as provided by *The Assessment Act* then in force; provided always that if the failure to carry on the said business is due to strikes or to the destruction of the said buildings, plant, machinery or fixtures by fire or tempest, the time during which the said business shall so cease to be carried on in consequence of such strikes or destruction of the buildings, plant, machinery or fixtures, (not exceeding in either case one year), shall not be taken as a failure or neglect to carry on the said business, so as to disentitle the said Company to such fixed assessment.

3. The said Peter Hamilton Company, Limited, shall, prior to the 1st day of March in each year, file with the City Clerk, a statutory declaration made by an officer of the Company, who shall therein state his knowledge of the facts, proving that the said Company has complied with and is observing all the terms, conditions and provisions of this by-law, and on neglect of the said Company to furnish such declaration it shall be *prima facie* taken that such terms, conditions and provisions have not been performed, observed and kept, and the said fixed assessment shall cease.

(Sgd.) H. RUSH,

Mayor.

(Sgd.) S. R. ARMSTRONG,

Clerk.

(Seal).

SCHEDULE "D."

BY-LAW NUMBER 1,364.

A By-law to fix a Charge for the use of certain Sewers in the City of Peterborough.

Passed on the 3rd day of February, 1908.

Whereas the Corporation of the City of Peterborough has constructed certain sewers in the said City as trunk or outfall sewers, the cost whereof has been made a charge on the whole municipality, and no part of the cost of any of said sewers was assessed as a frontage tax on any of the real property fronting or abutting on the streets or the property along or through which the said sewers have been constructed, and other sewers may hereafter be constructed to be paid for by general tax, and it is desirable in some cases to allow connections to be made with such sewers and to fix a sum to be paid for the use of same.

And whereas in order to afford an outlet for the sewerage and drainage of other real property it is desirable in some cases to allow connections with sewers to be made by the owners or occupants of properties against which no part of the cost of said sewers is assessed by frontage tax, and to fix a sum to be paid for the use of same;

And whereas certain connections have been made with the said sewers by persons whose property is not assessed or charged with any part of the cost thereof as a frontage tax and other persons may wish to make similar connections, and it is desirable in some cases to permit the owners or occupiers of real property on obtaining the consent and approval of the city engineer to use such sewers, subject to the payment of a gross sum in lieu of rent, for the use thereof, and the Council of the said City has fixed such sum at twenty-five dollars for each connection whether already made or hereafter put in.

The Corporation of the City of Peterborough, by the Council thereof, therefore enacts as follows:—

1. Any person owning property fronting or abutting on any of the streets or property on which any trunk or outfall sewers paid for by general tax on the whole municipality, are laid, whose property is now or may hereafter be drained into any of said sewers; and any person owning property now or hereafter drained into any common sewer whose property is not now assessed or charged with a frontage tax for any such sewer shall pay the sum of twenty-five dollars for each sewer connection now or hereafter made with any of said sewers;

Provided, however, that if now or hereafter any sewer is constructed, for the construction of which a frontage tax for said sewer is chargeable against any property which under this by-law is liable to pay the said sum of twenty-five dollars, then in such case an allowance or deduction of fifty-seven feet of the frontage

which would otherwise be assessable for such sewer shall be allowed by reason of said payment of twenty-five dollars, provided the limits of the property in respect to which said sewer connection is made and paid for, is within fifty-seven feet of the street in which such sewer is now or may be hereafter laid.

2. The said sum of twenty-five dollars shall be payable to the city treasurer by the owner or owners of any such property which is now drained into any of said sewers, within three months after the passing of this by-law, and in default of such payment it may be recovered by action in the First Division Court of the County of Peterborough, at the suit of the said city treasurer, or in default of payment the city engineer shall have authority to close up and remove all such connections as shall not be paid for within the said time, and the owner or owners of property hereafter desiring to make such connection, shall first obtain the written consent and approval of the city engineer, and deposit the said sum of twenty-five dollars with the city treasurer, together with the cost of making such connections, as specified by By-law Number 767 of the said Corporation, and without the payment of the said sum for the use of said sewers as aforesaid, no connection with the same already made, shall be allowed to remain, and without such consent and approval of the city engineer, and payment of the said sum of twenty-five dollars for the use of the said sewers aforesaid, no new connections shall be allowed to be made.

3. By-law Number 1,200 for the Corporation of the City of Peterborough, passed on the 5th day of February, 1906, is hereby repealed.

(Sgd.) H. RUSH,
Mayor.

(Seal).

(Sgd.) S. R. ARMSTRONG,
Clerk.

SCHEDULE "E."

BY-LAW NUMBER

A By-law to authorize a loan of \$30,000 and other concessions to secure the continuation of the business lately carried on by The William Hamilton Manufacturing Company, (Limited), in the City of Peterborough.

Passed the day of 1908.

Whereas The William Hamilton Manufacturing Company, (Limited), has been carrying on business in the City of Peterborough as manufacturers of engines, boilers, mill machinery, &c., for many years and employing in said business a large number of workmen, but owing to the failure of the Ontario Bank, with which the Company did its banking business, the said Company was forced to go into liquidation and is now in process of being wound up and it is proposed to organize a Company for the purpose of acquiring the manufacturing establishment and continuing to carry on in the City of Peterborough the said business, and for that purpose an application has been made to the Council of the City of Peterborough for a loan of \$30,000 to be secured and repaid as herein-after mentioned and for a fixed assessment of the land, plant and the business assessment of the proposed Company at the sum of \$10,000 for ten years and a grant to the said proposed Company of the use of a portion of certain streets adjoining the said manufacturing establishment with the right to erect and operate an overhead travelling crane across Reid Street, and the fire protection and sewers hereinafter mentioned;

And whereas it is desirable and in the public interest in order to secure the continuance of the said business to aid the said proposed

posed Company as above mentioned upon the conditions and terms hereinafter set out;

And whereas in order to enable the Corporation to loan the said sum to the said Company it will be necessary to issue the debentures of the Corporation for the said sum of \$30,000 which is the amount of the debt intended to be created by this by-law;

And whereas the amount of the whole rateable property of the municipality according to the last revised assessment roll of the municipality is the sum of \$8,297,495;

And whereas the whole amount of the existing debenture debt of the municipality, exclusive of local improvement debts, payable by special rates, and the debt of \$312,000 incurred for the purchase and improvement of the waterworks is the sum of \$556,867.85, and there is no part of the principal or interest in arrear;

And whereas there will require to be raised annually for a period of fifteen years the currency of the debentures to be issued hereunder to pay the interest on the said debt, the sum of \$1,425 less such part of said sum as may be received from the said Company by way of interest on the loan of said sum of \$30,000, and the instalments of principal received in repayment of the said loan from the said Company shall be paid over to the City Trust Commissioners to be held and invested and applied in payment of the said debt at the maturity thereof;

The Corporation of the City of Peterborough by the Council thereof therefore enacts as follows:

1. This by-law shall take effect on the final passing thereof but shall not be finally passed or have any force or effect unless or until the same has been submitted to the votes of the electors of the City of Peterborough, qualified to vote on By-laws for creating debts, and has received the assent of a majority of those voting thereon, and the provisions of sections 338 to 365 inclusive and sections 367 to 372 inclusive of *The Consolidated Municipal Act, 1903*, shall apply to same.

2. It shall be lawful for the Corporation of the City of Peterborough to borrow the sum of \$30,000, and to issue the debentures of the Corporation therefor, such debentures to be sealed with the corporate seal and to be signed by the Mayor and Treasurer, and countersigned by the Secretary of the Peterborough City Trust, to be payable within fifteen years from the date of the issue thereof, and to bear interest at the rate of four and three-quarters per centum per annum, payable half-yearly, on the thirtieth day of June and thirty-first day of December in each year, and to have coupons attached thereto for the payment of such interest, such debentures, as to principal and interest, to be payable at the office of the Secretary of the Peterborough City Trust at the City of Peterborough.

3. There shall be raised and levied during each year of the currency of the said debentures by a special rate sufficient therefor upon all the property in the City of Peterborough, liable therefor the sum of \$1,425 for payment of the interest on said debentures, less such part of said sum as may be received from the said Company by way of interest on the loan of the said sum of \$30,000, and no sum shall be raised as a sinking fund to pay the same at maturity, but the amount received in repayment of the said loan shall be paid to the City Trust and by said City Trust held and applied for the payment of the said debentures at the maturity thereof.

4. The proceeds of the said debentures when sold shall be paid over to the said Company at the expiration of two months after the said Company has become entitled to such payment by complying with the terms and conditions hereinafter mentioned, and furnishing proof satisfactory to the city council that such terms and conditions have been and are being complied with and upon and only upon such terms and conditions, namely:

(a) That the said Company shall on or before the first day of September, 1908, have become properly incorporated with an authorized capital of \$300,000, and a fully paid up capital of \$175,000 of which at least \$75,000 shall be working capital.

(b)

(b) That the said Company shall before the first day of November, 1908, have acquired by good title in fee simple free of incumbrance the following lands in the City of Peterborough: First, that part of lot number sixteen, south of Murray Street and west of George street, more particularly described as follows: Commencing at the northeast angle of said lot; thence westerly along the northern limit of said lot one hundred and eight feet, eight inches; thence southerly at right angles to the said northern limit forty-five feet, six inches; thence easterly parallel to the northern limit of said lot one hundred and eight feet, eight inches more or less to the eastern limit of said lot; thence northerly along said eastern limit forty-six feet, six inches more or less to the place of beginning. Secondly, that part of lot number thirteen, north of Murray Street and west of George Street, more particularly described as follows: Commencing at a point in the eastern limit of said lot where the south side of the creek intersects the same; thence northerly along the said eastern limit, fifty-five feet more or less to the north side of said creek; thence westerly along said creek to Rubidge Street; thence southerly along Rubidge Street, ninety-three feet more or less to the south side of said creek and thence easterly along said creek to the place of beginning. Thirdly, all that part of lot number fourteen, north of Murray Street and west of George Street, lying south of a line drawn from west to east, twenty feet south of the centre of the main line of the Midland Railway track. Fourthly, all lot number fifteen, north of Murray Street and west of George Street. Fifthly, all that part of lot number fifteen, south of McDonnel Street and west of George Street, lying south of a line drawn from west to east twenty feet south of the centre of the main line of the Midland Railway track. Sixthly, lots numbers sixteen and seventeen, north of Murray Street and west of George Street. Seventhly, all those parts of lots numbers sixteen and seventeen south of McDonnel Street and west of George Street, lying south of a line drawn from east to west, twenty feet south of the centre of the main line of Midland Railway track. Eighthly, that part of lot number eighteen, north of Murray Street and west of George Street, more particularly described as follows: Commencing at a point on the west side of Downie Street where the south side of the creek intersects the same; thence westerly along said creek to the western limit of said lot; thence northerly along said western limit, forty-seven feet more or less to the northern limit of said lot; thence easterly along said northern limit of said lot to Downie Street, and thence southerly along Downie Street, one hundred and fifty-three feet more or less to the place of beginning. Ninthly, that part of lot number eighteen south of McDonnel Street and west of George Street, more particularly described as follows: Commencing at a point in the western limit of said lot, one hundred and thirty-two feet distant southerly from McDonnel Street; thence southerly along said western limit, sixty-eight feet more or less to the southern limit of said lot; thence easterly along said southern limit to Downie Street; thence northerly along Downie Street, sixty-eight feet more or less to a point one hundred and thirty-two feet from McDonnel Street, and thence westerly parallel with the southern limit of said lot to the place of beginning. Together with an allowance for road nine feet wide, more particularly described in Registered Instrument Number 1,737 for the Town of Peterborough. And that part of Downie Street extending from Murray Street northward to the line of the Grand Trunk Railway, and the north forty-six feet of Murray Street between Reid Street and Downie Street.

(c) That the said Company shall by the first day of November, 1908, have the manufacturing establishment on the said lands in operation, and have at least one hundred employees engaged therein which number of employees shall be continuously employed therein for at least two months immediately previous to the time the said Company shall become entitled to the payment of the said money.

(d)

(d) That the said Company shall have entered into a covenant with the Peterborough City Trust satisfactory to the City Solicitor to observe, perform and keep all the terms, conditions, stipulations and agreements in this By-law mentioned, to be observed performed or kept on its part, including the following:

(1) That the said Company will repay to the said City Trust the said sum of \$30,000 in ten equal annual instalments of \$3,000 each, to be paid as follows: the first of such equal annual instalments to be made at the expiration of six years from the date, at which the said sum of \$30,000 is paid over to the said Company and yearly on the same day of the month in each of the following nine years, with the right to the council of the said Corporation in its discretion to demand repayment of the said sum or the balance thereof then remaining unpaid if at any time (except in the case of strikes or damage by fire as hereinafter mentioned) the said Company shall have in its employment at its manufacturing establishment in the City of Peterborough for ten months in any year an average of not less than seventy-five employees such repayment to be made with interest as hereinafter provided within three months after the said council shall have passed a resolution making such demand and mailed a copy thereof addressed to the said Company at the City of Peterborough.

(2) That the said Company will pay to the said City Trust interest on the said sum of \$30,000 or that portion thereof from time to time remaining unpaid computing from the time the same shall respectively become payable as follows: if the number of employees engaged in the said manufacturing establishment during ten months in any year averages less than seventy-five at the rate of five per cent per annum for the time during which said employees remain under seventy-five, if said number of employees averages over seventy-five and less than one hundred during ten months in any year, interest at the rate of four per cent. per annum shall be paid for the time during which said employees remain over seventy-five and under one hundred, if the said number of employees averages over one hundred and under one hundred and twenty-five during ten months in any year, interest at the rate of three per cent. per annum shall be paid for the time during which said employees remain over one hundred and under one hundred and fifty, if said number of employees averages over one hundred and fifty during ten months in any year, interest at the rate of two per cent. per annum shall be paid for the time during which said employees remain over one hundred and twenty-five and under one hundred and fifty, and if and while said number of employees averages over one hundred and fifty during ten months in any year no interest (except as provided by clause 3 hereof) shall be payable.

Provided, however, that if the failure to employ the said number of employees as above mentioned in the said manufacturing establishment is due to a general strike of the employees or of a sufficient number of them to prevent the said Company carrying on the said manufacturing business or to the destruction of the buildings or machinery by fire or tempest, so as to prevent the said Company carrying on the said manufacturing business, the time during which the business shall cease to be carried on in consequence of such strikes or destruction of the said buildings or machinery not exceeding in either case one year shall not be counted in the period of entitle the council of the said city to demand payment of the amount of the said loan or the balance thereof then due or to the payment of the interest thereon as above mentioned, provided, however, that in the case of a strike, the time during which the said Company shall be relieved from paying interest shall only be three months and that in the case of a strike the said Company shall pay interest at the rate of five per cent. per annum on the amount of the loan then remaining unpaid computing from three months after the said business shall cease to be carried on by reason thereof.

(3) That said Company will expend within five years from the payment over of the said sum of \$30,000 in the erection of new buildings on the land above mentioned and in the installation of additional machinery, plant, and improvements thereon or therein, at least the sum of \$30,000, and if the said Company shall not do so, that it will pay the said City Trust, interest at the rate of five per cent. per annum on the said sum of \$30,000, or that portion remaining unpaid to be computed from a date that will be five years from the date of payment over of the said sum, the said Company to be credited on account of said interest with the interest (if any) payable under *subclause (2) of clause (d) of this section*.

(4) That in case default shall happen to be made of or in the payment of the said sum of \$30,000, or any instalment thereof as provided by *subclause (1) of clause (d) of this section* or any part thereof, or of or in the payment of the interest on the same as provided in *subclauses (2) and (3) of clause (d) of this section* or any part thereof for the space of one month after the same becomes due and payable or of or in the doing, observing, performing, fulfilling or keeping of any of the provisions, agreements or terms herein or in said covenant mentioned then and in every such case the whole of said sum of \$30,000 or that portion thereof remaining unpaid shall forthwith become due and payable, and it shall and may be lawful for the City Trust after giving written notice to the said Company of its intention on that behalf either by service on the President or Secretary of the Company or by letter addressed to the Company at the City of Peterborough, not less than thirty days previously, and without any further notice or consent or concurrence of the said Company to enter into possession and hold of the said lands hereinbefore described and the buildings thereon, and the said manufacturing business, and the plant, fixtures, machinery, tools, patterns, plans, and drawings then thereon or therein or used in connection with the said manufacturing business and whether in or out of possession of the same if thereunto authorized by by-law of the Corporation of the said city to make any lease or leases thereof or of any part thereof, and also if and when considered advisable and if thereunto authorized by by-law of the Corporation of the said city to sell and absolutely dispose of the same or any of them or any part or parts thereof for any sum or sums and in any way the said city council may by said by-law direct and the said City Trust if thereunto authorized as aforesaid shall have power and authority to assure and convey the same if and when so sold to the purchaser or purchasers thereof by proper and sufficient conveyance and conveyances.

(5) That the said Company will until the whole of the said loan is repaid keep the said lands and the buildings thereon and the said plant, fixtures, machinery, tools and other improvements in good order, condition and repair according to the nature and description thereof and in case of neglect or default in so doing the provisions mentioned in *subclause (4) hereof* shall apply by reason of such neglect or default and the amount of the said loan or of that portion then unpaid shall become payable as in said clause 4 set out.

(6) That the said Company will insure and until the said loan is fully repaid will keep insured against loss or damage by fire the said buildings on the land hereinbefore mentioned and the plant, fixtures, machinery, tools and patterns in the same in the sum of at least the full amount of the said loan or the balance thereof remaining unpaid in some insurance Company or Companies approved of by the said City Trust and will pay all premiums and sums of money necessary for such purpose as the same shall become due and will make the amount payable under the policy or policies payable to the said City Trust as its interest may appear, and will deliver to the said City Trust the policy or policies of insurance when issued and the receipts thereto appertaining respectively not later than three days before the premiums on the said policies become due respectively and in default thereof the said City Trust may pay any premiums or sums of money necessary for said insurance and the said Company shall forthwith repay same with interest at the rate of six per cent. per annum to the said City Trust.

(7) That if required by the council of the said city the said Company will execute and deliver to the said City Trust a first mortgage on the said lands hereinbefore mentioned, and the buildings thereon, and the plant, machinery, tools and patterns therein or any plant, machinery, tools and patterns substituted therefor as hereinafter provided, which plant, machinery, tools and patterns shall as far as said mortgage is concerned be held to be part of the realty and covered and embraced in said mortgage.

(8) That the said Company shall be at liberty from time to time to substitute new and modern plant, fixtures, machinery, tools and patterns for the plant, fixtures, machinery, tools or patterns now in the said manufacturing establishment, provided the said new and modern plant, fixtures, machinery, tools and patterns are of greater value than those for which they are substituted, and notice is given to the Secretary of the City Trust, giving the price and the description of each substituted plant, fixtures and machinery, tools and patterns and such substituted plant, fixtures, machinery, tools and patterns shall be and remain as security for the said loan until the same is fully paid.

(9) The registration of a certified copy of this by-law and the covenant herein mentioned in the registry office for the County of Peterborough shall create a lien charge and encumbrance on the lands herein mentioned and described and the buildings thereon and the plant, fixtures, machinery, tools and patterns thereon or therein, and on any plant, fixtures, machinery, tools and patterns that may be substituted therefor as provided by *subclause 8 of clause (d)* of section 4 hereof, as security for the repayment of the said loan and interest as herein provided and shall be a continuing security until the said loan is fully paid off according to the terms and conditions of this by-law and the said covenant, and when the said loan is fully paid off, the registration in the said registry office of a certified copy of a by-law of the Corporation of the said city reciting that fact, shall be a discharge and release of the said lien charge and encumbrance.

6. The said Company shall, if the terms and conditions contained in this by-law and the said covenant on its part are performed, observed and kept and while and so long as it uses the land in this section mentioned for its manufacturing establishment, and carries the same on as provided by this by-law and said covenant have the right to the use of that part of Rubidge Street, lying immediately east of and adjoining that part of lot number fourteen, north of Murray Street and west of George Street, owned by the said Company, but if and as soon as the said Company shall cease to carry on the said business on the land in this section mentioned the right to such use shall cease.

7. The said Company shall, on the conditions above mentioned and while and so long as it uses the said land in this section mentioned for its manufacturing establishment and carries on the same as provided by this by-law and the said covenant have the right to build upon the westerly three feet of that part of Reid Street adjoining lot number fourteen, north of Murray Street and west of George Street, and that part of lot number sixteen, south of McDonnel Street and west of George Street, above described, and to occupy the same with said building until the said Company shall cease to carry on the said business but as soon as the said Company shall cease to carry on the said business on the land in this section mentioned or in case the building thereon is destroyed by fire or pulled down the right to the use of said part of Reid Street shall cease.

8. The said Company shall on the conditions above mentioned, and while it carries on its manufacturing establishment on those parts of the said lands on both sides of Reid Street as provided in this by-law and the said covenant have the right to erect and maintain an overhead travelling crane across Reid Street to be erected and kept so that there shall be a clear space of at least sixteen feet between the surface of the highway and the lowest portion of the superstructure

superstructure on which said crane shall run and the same shall be used and operated so as not to obstruct or interfere with the traffic on the said street, and the said Company for the purpose of supporting the girders on which said crane is to run may place and maintain on said street an iron post not exceeding *fourteen* inches in diameter, said post to be placed on the east side of the street and at the outside edge of the sidewalk but as soon as the said Company shall cease to use the land on both sides of Reid Street for its manufacturing business the said right shall cease and the said superstructure and post shall be removed. And the said Company before placing said superstructure or using the said crane shall enter into an undertaking and agreement with the said Corporation in form satisfactory to the City Solicitor to indemnify and save harmless the said Corporation from and against all and any damages, costs or expenses the Corporation may be put to by reason of the erection, maintenance or operation of the said superstructure and crane.

9. Provided the said Company shall carry out the terms and conditions in this by-law and the said covenant set out to be performed, observed and kept by it, and shall by the first day of November, 1908, use and occupy the buildings on the said lands above mentioned as a manufacturing establishment and have employed therein at least one hundred employees, the assessment of the lands in clause b of section 4 hereof described, used exclusively for manufacturing purposes, and the buildings, plant, machinery and fixtures thereon used exclusively for manufacturing purposes and the business assessment in respect thereof on which taxes are to be levied except school taxes shall be fixed and remain fixed at the sum of \$10,000 while the same are so used and while at least one hundred hands are employed therein for an average of ten months in each year, for a period of ten years from the first day of January, 1909, and the oath of the assessor or assessors shall be amended accordingly; but the same shall nevertheless be liable for all frontage and local improvement assessments, *rates* and taxes, and taxes for school purposes that may be charged against the same, provided, however, that if the said Company shall at any time within the said term of ten years fail or neglect to carry on the said manufacturing business as above provided, for the time above stated or shall fail or neglect to carry out any of the terms of this by-law or said covenant or shall not have in its employment in said business at least an average of one hundred *employees* for at least ten months in the year, then such fixed assessment shall cease and the said lands, buildings, plant, machinery and fixtures and the business assessment in respect thereto shall be assessed as provided by *The Assessment Act* then in force, and further provided that in the event of any petition being presented to the council for any local improvement or the city council desiring to construct any such work, the said Company will not take any action to oppose such petition or work, an agreement to this effect to be furnished by the Company.

10. The said Company shall prior to the 1st day of March in each year file with the city clerk a statutory declaration made by two officers of the Company who shall therein state their knowledge of the facts, proving that the Company has complied with and is observing all the terms, conditions and provisions of this by-law and those contained in the said covenant, and on neglect of the said Company to furnish such declaration it shall be *prima facie* taken that such terms, conditions and provisions have not been performed, observed and kept.

11. Provided the said Company shall carry out the terms and conditions in this by-law and the said covenant set out, the council of the said Corporation will cause to be placed at least three hydrants, connected with the waterworks system of the city, on the streets near the said manufacturing establishment of the said Company and in such places on said streets as will be most advantageous for the protection of the said establishment from fire, and the same shall be maintained by the said Corporation, and the said council will

will also take the necessary proceedings to have a sewer constructed on Reid Street from the creek to the present sewer on McDonnel Street in order to provide the said Company with the means of connecting that part of its manufacturing establishment north of the creek with the general sewerage system of the said city.

12. The votes of the electors of the City of Peterborough qualified to vote upon by-laws for creating debts shall be taken upon this by-law on the day of 1908, commencing at the hour of nine o'clock in the forenoon and closing at the hour of five o'clock in the afternoon of the same day, at the following places and before the following Deputy Returning Officers with the following Poll Clerks, that is to say:

SCHEDULE "F."

Particulars of the By-laws confirmed by Section 36 of the foregoing Act.

| No. | Object. | When passed by Council. | Amount of debt created. | Period of payment. Years. | Rate of interest. per cent. |
|------|--|-------------------------|--|---------------------------|-----------------------------|
| 1324 | Local improvement debentures for City's portion of cost of sidewalks constructed in 1906..... | 9 July, 1907 | \$9,453 89 | 20 | 4 |
| 1325 | Local improvement debentures for City's portion of cost of sewers constructed in 1905 and 1906 | 9 July, 1907 | 9,358 10 | 30 | 4 |
| 1335 | Amending By-law No. 1325..... | 3 Sept., 1907 | Rate of interest on debt created by By-law No. 1325 raised to 4½%. | | |
| 1326 | Local improvement debentures for share of cost of sidewalks constructed in 1906 payable by local special rate..... | 9 July, 1907 | 10,545 95 | 20 | 4 |
| 1327 | Local improvement debentures for share of cost of sewers constructed in 1905 and 1906 payable by local special rate..... | 9 July, 1907 | 43,685 85 | 30 | 4 |
| 1358 | By-law to authorize borrowing \$25,000 to pay for an addition to the Queen Alexandra Public School | 20 Jan., 1908 | 25,000 00 | 30 | 4½ |
| 1378 | Local improvement debentures for City's portion of cost of sidewalks constructed in 1907..... | 6 Apr., 1908 | 11,200 05 | 20 | 4½ |
| 1379 | Local improvement debentures for City's portion of cost of sewers constructed in 1907..... | 6 Apr., 1908 | 3,464 08 | 30 | 4½ |
| 1380 | Local improvement debentures for share of cost of sidewalks constructed in 1907, payable by local special rates | 6 Apr., 1908 | 10,794 93 | 20 | 4½ |
| 1381 | Local improvement debentures for share of cost of sewers constructed in 1907, payable by local special rates | 6 Apr., 1908 | 14,411 64 | 30 | 4½ |

CHAPTER 105.

An Act respecting The City of Port Arthur.

Assented to 14th April, 1908.

WHEREAS the Corporation of the City of Port Arthur ^{Preamble.} has by its petition represented that the water mains in the said city are in many cases laid along properties the owners of which do not take water or pay any water rates to the revenues of the waterworks for the sinking fund or interest on the debentures issued by the municipality therefor, although such properties are increased in value thereby, and it is desirable that authority should be granted to the said Corporation to levy and collect a rate upon all properties fronting on streets along which water mains are laid, and that all special rates should be a lien on all properties served with mains; that it is desirable that all sales of lands for arrears of taxes, including sales made to the said Corporation, or to anyone on its behalf, should be validated and confirmed; that by-law No. 35, set out as Schedule "A" hereto, intituled "By-law to take the vote of the ratepayers for the construction of a permanent bridge across McVicar's Creek, on Court Street, and to provide for the payment thereof, and to issue debentures therefor," By-law No. 36, set out as Schedule "B" hereto, intituled "By-law to authorize the purchase of land for the storing of material for water works, sewerage, and other supplies for the public utilities of the city, and to issue debentures therefor," By-law No. 37, set out as Schedule "C" hereto, intituled "By-law to take the vote of the ratepayers for the purchase of sufficient yard and enclosure for the safe keeping of animals impounded, and to provide for the payment thereof, and to issue debentures therefor," By-law No. 38, set out as Schedule "D" hereto, intituled "By-law to authorize the purchase, for the City of Port Arthur, of a 250 h.p. motor generator, and to issue debentures therefor," and By-law No. 39, set out as Schedule "E" hereto, intituled "By-law to provide for shortage on sale of debentures up to the end of the year 1907," have been submitted to and approved of by the ratepayers of the said Corporation, and By-law No. 3, set out as Schedule "F"

"F" hereto, intituled "By-law to provide for the purchase of steam roller and to issue debentures therefor," has been finally passed by the said Corporation, and it is desirable that the said by-laws should be ratified and confirmed in order that the debentures issued or to be issued thereunder may be more readily and profitably disposed of; and whereas the value of the whole rateable property of the said city, according to the last revised assessment roll, is \$9,468,416, and the existing debenture indebtedness of the said city, exclusive of local improvement debts, is \$1,786,379.56; and whereas the said Corporation has prayed that an Act may be passed for the purposes above mentioned; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Corporation
authorized to
levy rates on
occupied or
vacant land
where water
mains laid.

1.—(1) The Corporation of the City of Port Arthur may pass a by-law to levy and charge a special rate upon the several lands, lots or parts of lots, whether occupied or vacant, fronting or abutting upon all streets in the said city upon which water mains are laid, which special rate shall be an annual rate according to the frontage of the said lands, lots or parts of lots, and shall not exceed five cents per foot for such frontage, subject to the same discount for prompt payment as shall be allowed in respect of ordinary water rates for domestic use, and may by by-law be changed from time to time.

Corporation
authorized to
assess corner
lots.

(2) The said Corporation may provide an equitable mode of assessing corner lots, triangular and other irregularly shaped pieces of land or lands unfit for building purposes where the Corporation deems it inequitable to assess the full frontage thereof, or to assess them at as high a rate as other land fronting on any street; provided that upon the production by the owner or occupant using water of the receipt for the payment of the sum, rate or rent chargeable for the use thereof, or such proportion of such sum or rate or rent as shall equal such special rate for the same period, the Corporation shall remit or allow to such owner or occupant the amount so paid as a payment on account of the special rate authorized by this section; and provided also that if the sum, rate or rent paid by the owner or occupant for the use of water as shown by the receipt therefor shall for the same period be greater than or equal to the said special rate, the Corporation shall remit to such owner or occupant the amount of said special rate.

(3) Subsections (1) and (2) shall not apply to any vacant land having a frontage of more than three hundred feet in one block, all of which is owned by the same person.

2. The said Corporation may by by-law provide that all plans of land in the said city on which any street or lane is laid out shall not be registered in the Registry Office or the Land Titles Office without the consent of the council of the said Corporation by a three-fourths vote of the members thereof.

No plans to be registered without consent of Council.

3.—(1) All sales of land within the City of Port Arthur made prior to the 31st day of December, 1905, and which purport to be made by the Corporation of the said city for arrears of taxes in respect to lands so sold, are hereby validated and confirmed, and all deeds of lands so sold, executed by the mayor and treasurer of the said city, purporting to convey the said lands so sold to the purchaser thereof, or his assigns, are hereby validated and confirmed, and shall have the effect of vesting the lands so sold and conveyed or purported to be sold and conveyed, and the same are hereby vested in the purchaser or his assigns and his and their heirs and assigns, in fee simple free and clear of and from all right, title and interest whatsoever of the owners thereof at the time of such sale, or their assigns, and of all charges and encumbrances thereon, except taxes accrued since those for non-payment whereof the said lands were sold.

Tax sales prior to 31st Decem-ber, 1906 confirmed.

(2) Subsection 1 of this section shall extend and apply to cases where the said city, or anyone in trust for it or on its behalf, became the purchaser of the lands.

(3) Nothing in this section contained shall affect any action, litigation or other proceeding now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and to the same extent as if this Act had not been passed.

Pending litigation not affected.

4. By-laws numbers 35, 36, 37, 38, 39 and 3, set out in Schedules "A," "B," "C," "D," "E" and "F" respectively, and all debentures issued or to be issued thereunder are hereby ratified and confirmed and declared legal, valid and binding upon the said Corporation and the ratepayers thereof.

By-laws set out in Schedules "A," "B," "C," "D," "E" and "F" confirmed.

5. Under and subject to the regulations respecting the leasing of water powers by the Crown as approved by Order-in-Council of the 16th day of January, 1907, the Corporation of the City of Port Arthur, hereinafter called "The City," may obtain from the Minister of Lands, Forests and Mines a lease under the Great Seal of a water power at or near any dam or dams constructed by or on behalf of the Crown at or near the outlets of Dog Lake on the Kamistiquia River in the District of Thunder Bay, and may develop the water power so acquired, and may construct, erect, maintain and operate all works, plant, buildings, machinery

Lease of water-power to city authorities.

City may construct development, etc., works.

machinery, poles, lines, conduits and other appliances necessary or proper for such development and for generating electrical power or energy and transforming, transmitting and distributing the same within the limits of the City of Port Arthur, and to any other municipality or to any individual, partnership or corporation upon such terms and in such manner and at such rates as the City may by by-law prescribe.

Issue of debentures.

3 Edw. VII. c. 19.

6. The City may raise from time to time by the issue of debentures any sums required to defray the cost of the works authorized by this Act, but no debt shall be incurred under this section until the assent of the electors qualified to vote on by-laws for the creation of debts has been obtained in the manner provided by *The Consolidated Municipal Act, 1903*.

City not to supply power in other municipalities without consent.

7. The City shall not distribute electrical power or energy within the limits of any other municipal corporation, except with the consent of the council thereof and upon such terms as may be agreed upon between the City and such other municipal corporation.

Power to take lands, etc.

3 Edw. VII. s. 19.

8. The City in the exercise of the powers hereby conferred may acquire by purchase or otherwise or may enter upon and pass over and take and use, without the consent of the owner thereof, any lands of the Crown, or the lands of any individual or corporation which are deemed necessary for the development, transforming, transmission or distributing works hereinbefore authorized or for providing access thereto, but subject to the payment of compensation for any lands so taken or injured as provided by *The Consolidated Municipal Act, 1903*.

Approval of commission required.

9. None of the works mentioned in section 5 of this Act shall be commenced by the City until the location thereof, together with the plans, specifications and estimates thereof have been approved by the Hydro-Electric Power Commission of Ontario hereinafter called "The Commission."

Contracts, etc., to be approved by commission.

10. No contract for the construction of any of the said works or for the supply of material therefor shall be executed or entered into by or be binding upon the City or any other party thereto until the approval of The Commission has been endorsed thereon in writing, signed by the chairman of The Commission.

Engineer of commission to have access to works.

11. The Engineer of The Commission or any other officer appointed by The Commission for that purpose may at all times have access to any of the works undertaken by the City under this Act while such works are in the course
of

of construction, and the City shall at all times obey any direction of The Commission as to the manner of such constructions and the material to be used therein.

12. The City of Port Arthur shall be bound from time to time to supply to the Corporation of the City of Fort William such electric power or energy as may from time to time be reasonably required upon such terms as will enable such electric power or energy to be supplied to consumers of power at Fort William at as favourable rates and prices as those charged consumers in Port Arthur, due regard being had to the relative distances such consumers are from the generating station of the system.

Supply of
electrical
power to City
of Fort
William.

13. Should any difference arise either as to the supply of power or the price to be paid by Fort William therefor such difference shall be determined by the Commission whose determination shall be final and binding on the Corporations of both cities.

Commission
to determine
differences in
case of dispute.

SCHEDULE "A."

CITY OF PORT ARTHUR, BY-LAW NO. 35.

By-law to take the vote of the ratepayers for the construction of a permanent bridge across M'Vicar's Creek on Court Street, and to provide for the payment thereof, and to issue debentures therefor.

Whereas it has been deemed necessary and advisable in the public interests to construct a new and permanent bridge on Court Street, over M'Vicar's Creek;

And whereas the Corporation of the City of Port Arthur is empowered to build the said bridge, and to levy a general rate for the same over the entire municipality;

And whereas the construction of the said bridge is a work of benefit common to the entire municipality;

And whereas it has been estimated by the City Engineer that the said bridge can be built for a sum not exceeding \$7,500.00, and the council has authorized the calling for tenders for the construction of the said bridge;

And whereas it is necessary to provide the funds for the construction of the said bridge and for the issuance of debentures as herein provided for the sum of \$7,500.00 which is the amount of the debt intended to be created by this by-law, to provide for the expenditure herein provided for, the proceeds of the said debentures to be applied to the payment of the construction of the said bridge;

And whereas the total amount required by *The Municipal Act* to be raised annually by special rate for paying the said debt and interest is the sum of \$626.86, whereof \$375.00 is to be raised annually for payment of interest during the currency of the said debentures, and \$251.86 is to be raised annually on account of the payment of the sinking fund for the payment of the debt secured by said debentures;

And whereas the amount of the whole rateable property of the City of Port Arthur, according to the last revised assessment roll thereof is \$9,468,416.00 of which \$2,341,800 is wholly exempt from taxation, and \$510,000.00 is exempt except for school purposes;

And

And whereas the amount of the said existing debenture debt of the said municipality is \$1,786,379.56 exclusive of local improvement debts secured by special Acts, rates, or assessments, and there is no part of the principal or interest in arrear;

Therefore the Council of the Corporation of the City of Port Arthur enacts as follows:—

1. The sum of \$7,500.00 shall be expended by the City of Port Arthur in paying for the construction of a bridge across M'Vicar's Creek, on Court Street, and for the purpose of raising the said sum debentures of the said City of Port Arthur to the amount of \$7,500.00 as aforesaid shall be issued in sums of not less than \$100.00 each, on the 13th day of January, 1908, each of which debentures shall be dated on the said 13th day of January, 1908, and payable on the 13th day of January, 1928, at the Bank of Montreal, Toronto.

2. Each of the said debentures shall be signed by the Mayor and Treasurer of the said city, and the Clerk of the said city shall attach thereto the corporate seal of the said municipality. The said debentures shall bear interest at the rate of five per cent. per annum, and be payable half-yearly at the said bank, on the first days of February and August in each and every year during the currency thereof, and shall have attached to them coupons for payment of the said interest, which coupons shall be signed by the Mayor and Treasurer.

3. During the currency of the said debentures there shall be raised annually by special rate on all rateable property in the said City of Port Arthur, the said sum of \$375.00 for payment of interest on the said debentures, and the said sum of \$251.86 for the purpose of creating a sinking fund for payment of the debt hereby secured, making in all, the sum of \$626.86 to be raised annually by special rates as aforesaid during each of the said twenty years.

4. This by-law shall take effect on the 13th day of January, 1908.

5. The votes of such of the electors of the said City of Port Arthur as are by law entitled to vote thereon, shall be taken on this by-law, on the 6th day of January, 1908, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon, at the following places and by the Deputy Returning Officers hereinafter mentioned, that is to say:—

Polling Subdivision No. 1, Ward 1, at Reading Room in Municipal Building, on Arthur Street, by A. Clarke as Deputy Returning Officer, and Albert Servais as Poll Clerk.

Polling Subdivision No. 2, Ward 1, at the Old Council Chamber, on Park Street, by W. A. McCallum as Deputy Returning Officer, and F. S. Wheeler as Poll Clerk.

Polling Subdivision No. 1, Ward 2, at lot 9, east side of Cumberland Street, by Albert Bonin as Deputy Returning Officer, and E. J. B. Dobie as Poll Clerk.

Polling Subdivision No. 2, Ward 2, at John Coburn's Store, southwest corner Algoma and Bay Streets, by R. E. Mitchell as Deputy Returning Officer, and Walter Gordon as Poll Clerk.

Polling Subdivision No. 1, Ward 3, at Mr. A. L. Russell's Office, on the north side of Cameron Street, by William Powley as Deputy Returning Officer, and John Teskey as Poll Clerk.

Polling Subdivision 2, Ward 3, at lot 12, block "C", M'Vicar Addition, by F. D. Jackson as Deputy Returning Officer, and F. N. Bowman as Poll Clerk.

6. On the second day of January, 1908, at his office in the Council Chamber, on Arthur Street, in the City of Port Arthur, at ten o'clock in the forenoon, the Mayor shall in writing signed by him, appoint two persons to attend at the final summing up of the votes by the Clerk of this Corporation, and one person to attend each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law respectively.

SCHEDULE "B."

CITY OF PORT ARTHUR, BY-LAW No. 36.

By-law to authorize the purchase of land for the storing of material for Water Works, Sewerage and other supplies for the public utilities of the City, and to issue Debentures therefor.

Whereas it is necessary and advisable to have a place upon which to store sewer pipe, water pipe, and other material necessary to be purchased and held for the management and operation of the public utilities of the City of Port Arthur;

And whereas the City has an opportunity to purchase a very suitable place for same which has electric street railway connection as well as connection with sidings to the railways, namely, Lots 1 and 2, in Block 38, in O'Brien's second subdivision of the north-east quarter section 51, Township of McIntyre, according to registered plan of survey by A. L. Russell, P.L.S., or any other site to be decided upon by the Council of 1908;

And whereas, in order thereto it will be necessary to issue debentures of the City of Port Arthur for the sum of \$1,500, hereinafter provided (which is the amount of the debt intended to be created by this by-law), the proceeds of the said debentures to be applied to the payment of the said land;

And whereas the total amount required by *The Municipal Act* to be raised annually by special rate for paying the said debt and interest is \$125.37, whereof \$75.00 is to be raised annually for payment of interest during the currency of said debentures, and \$50.37 is to be raised annually on account of the payment of the sinking fund for the payment of the debt secured by said debentures.

And whereas the amount of the whole rateable property of the City of Port Arthur, according to the last revised assessment roll thereof is \$9,468,416.00, of which \$2,341,800.00 is wholly exempt from taxation, and \$510,000.00 is exempt except for school purposes;

And whereas the amount of the existing debenture debt of the said municipality is \$1,786,379.56, exclusive of local improvement debts secured by special Acts, rates and assessments, and there is no part of the principal or interest in arrear;

Therefore the Council of the Corporation of the City of Port Arthur enacts as follows:—

1. The sum of \$1,500 shall be expended by the City of Port Arthur in payment of a place upon which to store sewer pipe, water pipe, and other material necessary to be purchased and held for the management and operation of the public utilities of the City of Port Arthur, and for the purpose of raising the said sum debentures of the City of Port Arthur to the amount of \$1,500.00 as aforesaid shall be issued in sums of not less than \$100.00 each, on the 13th day of January, 1908, each of which debentures shall be dated on the said 13th day of January, 1908, and payable on the 13th day of January, 1928, at the Bank of Montreal, Toronto.

2. Each of the said debentures shall be signed by the mayor and treasurer of the said City, and the clerk of the said City shall attach thereto the corporate seal of the said municipality. The said debentures shall bear interest at the rate of five per cent. per annum, and be payable half-yearly at the said bank on the first days of February and August in each and every year during the currency thereof, and shall have attached to them coupons for payment of the said interest, which coupons shall be signed by the said treasurer.

3. During the currency of the said debentures there shall be raised annually by special rate on all the rateable property in the said City of Port Arthur the said sum of \$75.00 for payment of interest on the said debentures, and the said sum of \$50.37 for the purpose of creating a sinking fund for payment of the debt hereby secured,

making in all the sum of \$125.37 to be raised annually by special rates aforesaid, during each of the said twenty years.

4. This by-law shall take effect on the 13th day of January, 1908.

5. The votes of such of the electors of the said City of Port Arthur as are by law entitled to vote thereon shall be taken on this by-law on the 6th day of January, 1908, commencing at nine o'clock in the morning and continuing till five o'clock in the afternoon, at the following places, and by the deputy returning officers and poll clerks hereinafter mentioned, that is to say:—

Polling Subdivision No. 1, Ward 1, at reading room in Municipal Building, on Arthur Street, by J. A. Clarke as Deputy Returning Officer, and Albert Servais as Poll Clerk.

Polling Subdivision No. 2, Ward 1, at the Old Council Chamber on Park Street, by W. A. McCallum as Deputy Returning Officer, and F. S. Wheeler as Poll Clerk.

Polling Subdivision No. 1, Ward 2, at Lot 9, east side of Cumberland Street, by Albert Bonin as Deputy Returning Officer, and E. J. B. Dobie as Poll Clerk.

Polling Subdivision No. 2, Ward 2, at John Coburn's store, southwest corner Algoma and Bay Streets, by R. E. Mitchell as Deputy Returning Officer, and Walter Gordon as Poll Clerk.

Polling Subdivision No. 1, Ward 3, at Mr. A. L. Russell's office, on the north side of Cameron Street, by Wm. Popley as Deputy Returning Officer, and John Teskey as Poll Clerk.

Polling Subdivision No. 2, Ward 3, at Lot 12, Block "C," McVicar Addition, by F. D. Jackson as Deputy Returning Officer, and F. N. Bowman as Poll Clerk.

6. On the 2nd day of January, 1908, at his office in the Council Chamber, on Arthur Street, in the City of Port Arthur, at ten o'clock in the forenoon, the mayor shall in writing signed by him, appoint two persons to attend at the final summing up of the votes by the clerk of this Corporation, and one person to attend each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law respectively.

7. The 7th day of January, 1908, at the Council Chamber aforesaid, at twelve o'clock noon, is hereby appointed for the summing up by the clerk of this Corporation of the number of votes given for and against this by-law respectively.

Council Chamber, Port Arthur, 13th day of January, 1908.

J. J. CARRICK,
Mayor.

J. McTEIGUE,
Clerk.

(Seal).

SCHEDULE "C."

CITY OF PORT ARTHUR, BY-LAW No. 37.

By-law to take the vote of the ratepayers for the purchase of sufficient yard and enclosure for the safe-keeping of animals impounded, and to provide for the payment thereof, and to issue debentures therefor.

Whereas it is necessary and advisable to provide sufficient yards and enclosures for the safe-keeping of such animals as may be impounded in this city;

And whereas this Corporation can acquire and purchase lots 35 and 36, being subdivisions of park lot 4, on the north side of Bay Street, at and for the price of \$3,000.00;

And whereas it is advisable to purchase the said property;

And whereas it is necessary to obtain the assent of the ratepayers for the raising of the said sum of \$3,000.00;

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And

And whereas it is necessary to provide the funds for the payment of the said lots and for the issuance of debentures as herein provided, for the sum of \$3,000.00 which is the amount of the debt intended to be created by this by-law, to provide for the expenditure herein provided for the proceeds of the said debentures to be applied to the payment for the said lots.

And whereas the total amount required by *The Municipal Act* to be raised annually by special rate for paying the said debt and interest is the sum of \$250.75 whereof \$150.00 is to be raised annually for payment of interest during the currency of said debentures and \$100.75 is to be raised annually on account of the payment of the sinking fund for the payment of the debt secured by said debentures;

And whereas the amount of the whole rateable property of the City of Port Arthur, according to the last revised assessment roll thereof is \$9,468,416.00 of which \$2,341,800.00 is wholly exempt from taxation and \$510,000 is exempt except for school purposes;

And whereas the amount of the said existing debenture debt of the City of Port Arthur is \$1,786,370.56 exclusive of local improvement debts secured by special Acts, rates or assessments, and there is no part of the principal or interest in arrear;

Therefore the Council of the Corporation of the City of Port Arthur enacts as follows:—

1. The sum of \$3,000.00 shall be expended by the City of Port Arthur, in paying for lots 35 and 36, being subdivisions of park lot 4, on the north side of Bay Street, and such lots to be used for the purpose of yards and enclosures for the safe-keeping of animals impounded in this city, and for the purpose of raising the said sum debentures of the said City of Port Arthur to the amount of \$3,000.00 as aforesaid shall be issued in sums of not less than \$100.00 each, on the 13th day of January, 1908, each of which debentures shall be dated on the 13th day January, 1908, and payable on the 13th day of January, 1928, at the Bank of Montreal, Toronto.

2. Each of the said debentures shall be signed by the Mayor and Treasurer of the said city, and the Clerk of the said city shall attach thereto the corporate seal of the said municipality. The said debentures shall bear interest at the rate of five per cent. per annum, and be payable half-yearly at the said bank on the first days of February and August in each and every year during the currency thereof, and shall have attached to them coupons for payment of the said interest, which coupons shall be signed by the said Treasurer.

3. During the currency of said debentures there shall be raised annually by special rate on all rateable property in the said City of Port Arthur, the said sum of \$150.00 for payment of interest on the said debentures, and the said sum of \$100.75 for the purpose of creating a sinking fund for payment of the debt hereby secured, making in all the sum of \$250.75 to be raised annually by special rate as aforesaid during each of the said twenty years.

4. This by-law shall take effect on the 13th day of January, 1908.

5. The votes of such of the electors of the said City of Port Arthur, as are by law entitled to vote thereon, shall be taken on this by-law on the 6th day of January, 1908, commencing at nine o'clock in the morning and continuing until 5 o'clock in the afternoon, at the following places, and by the Deputy Returning Officers hereinafter mentioned, that is to say:—

Polling Subdivision No. 1, Ward 1, at Reading Room in Municipal Building, on Arthur Street, by J. A. Clarke as Deputy Returning Officer, and Albert Servais as Poll Clerk.

Polling Subdivision No. 2, Ward 1, at the old Council Chamber, on Park Street, by W. A. McCallum as Deputy Returning Officer, and F. S. Wheeler as Poll Clerk.

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Polling Subdivision No. 1, Ward 2, at lot 9, east side of Cumberland Street, by Albert Bonin as Deputy Returning Officer, and E. J. B. Dobie as Poll Clerk.

Polling Subdivision No. 2, Ward 2, at John Coburn's Store, southwest corner Algoma and Bay Streets, by R. E. Mitchell as Deputy Returning Officer, and Walter Gordon as Poll Clerk.

Polling Subdivision No. 1, Ward 3, at Mr. A. L. Russell's Office, on the north side of Cameron Street, by Wm. Powley as Deputy Returning Officer, and John Teskey as Poll Clerk.

Polling Subdivision No. 2, Ward 3, at lot 12, block "C," McVicar Addition, by F. D. Jackson as Deputy Returning Officer, and F. N. Bowman as Poll Clerk.

6. On the 2nd day of January, 1908, at his office in the Council Chamber, on Arthur Street, in the City of Port Arthur, at ten o'clock in the forenoon, the Mayor shall in writing signed by him, appoint two persons to attend at the final summing up of the votes by the Clerk of this Corporation, and one person to attend each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law respectively.

7. The 7th day of January, 1908, at the Council Chamber aforesaid at 12 o'clock at noon, is hereby appointed for the summing up by the Clerk of this Corporation of the number of votes given for and against this by-law respectively.

Council Chamber, Port Arthur, 13th day of January, 1908.

J. J. CARRICK,
Mayor.

(Seal.)

J. McTEIGUE,
Clerk.

SCHEDULE "D."

THE CITY OF PORT ARTHUR, BY-LAW No. 38.

By-law to authorize the purchase, for the City of Port Arthur, of a 250-H.P. Motor Generator, and to issue Debentures therefor.

Whereas by chapter 76 of the Statute, being an Act passed by the Ontario Legislature in the third year of the reign of His Majesty King Edward Seventh, provision is made for the purchase of further equipment for the effective operation of the street railway, electric lighting and power system of the City of Port Arthur;

And whereas it is necessary and advisable for such effective operation to acquire a 250-h.p. motor generator;

And whereas two-thirds of the members of the Council of the Corporation of the City of Port Arthur have assented to the request of the Street Railway Commissioners to purchase said motor generator;

And whereas in order thereto it will be necessary to issue debentures of the said municipality for the sum of \$8,000.00, as hereinafter provided, (which is the amount of the debt intended to be created by this by-law) the proceeds of the said debentures to be applied to the purpose aforesaid and to no other,

And whereas it is desirable to issue the said debentures at one time, and to make the principal of the said debt repayable by yearly sums during the period of fifteen years, being the currency of the said debentures; said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of said debt shall be as nearly as possible

possible equal to the amount so payable in each of the other fourteen years of the said period;

And whereas the total amount required by *The Municipal Act* to be raised annually by special rate for paying the said debt and interest as hereinafter provided, is \$770.74;

And whereas the amount of the whole rateable property of the City of Port Arthur, according to the last revised assessment roll thereof, is \$9,468,416.00, of which \$2,341,800.00 is wholly exempt from taxation, and \$510,000.00 is exempt except for school purposes;

And whereas the amount of the existing debenture debt of the said City of Port Arthur is \$1,786,379.56, exclusive of local improvement debts secured by special Acts, rates or assessments, and there is no part of the principal or interest in arrear;

Therefore the Council of the Corporation of the City of Port Arthur enacts as follows:—

1. The Council of the said City of Port Arthur shall expend the sum of \$8,000.00 in the purchase of a 250-h.p. motor generator, and for the purpose of raising the said sum debentures of the said City to the amount of \$8,000.00 as aforesaid, in sums of not less than \$100.00 each shall be issued on the 13th day of January, 1908, each of which debentures shall be dated on the date of the issue thereof, and shall be payable within fifteen years thereafter, viz.: On the 13th day of January in each and every year during the currency thereof at the Bank of Montreal, in the City of Toronto.

2. Each of the said debentures shall be signed by the mayor of the said City of Port Arthur, or by some other person authorized by law to sign the same, and by the treasurer thereof of the said City of Port Arthur, and the clerk shall attach thereto the corporate seal of the said municipality.

3. The said debentures shall bear interest at the rate of five per centum per annum, payable yearly at the said bank, on the 13th day of January, in each and every year during the currency thereof.

4. During the currency of the said debentures there shall be raised annually by special rate on all the rateable property in the said City of Port Arthur, the sum of \$770.74 for the purpose of paying the amount due in each of the said years for principal or interest in respect of the said debt.

5. This by-law shall take effect on the 13th day of January, 1908.

6. The votes of the electors of the said City of Port Arthur shall be taken on this by-law on the 6th day of January, 1908, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon, at the following places, and by the deputy returning officers and poll clerks hereinafter mentioned, that is to say:—

Polling Subdivision No. 1, Ward 1, at the reading room in Municipal Building, on Arthur Street, by J. A. Clarke as Deputy Returning Officer, and Albert Servais as Poll Clerk.

Polling Subdivision No. 2, Ward 1, at the Old Council Chamber, on Park Street, by W. A. McCallum as Deputy Returning Officer, and F. S. Wheeler as Poll Clerk.

Polling Subdivision No. 1, Ward 2, at Lot 9, east side Cumberland Street, by Albert Bonin as Deputy Returning Officer, and E. J. B. Dobie as Poll Clerk.

Polling Subdivision No. 2, Ward 2, at John Coburn's store, south-west corner Algoma and Bay Streets, by R. E. Mitchell as Deputy Returning Officer, and Walter Gordon as Poll Clerk.

Polling Subdivision No. 1, Ward 3, at Mr. A. L. Russell's office, on the north side of Cameron Street, by William Powley as Deputy Returning Officer, and John Teskey as Poll Clerk.

Polling Subdivision No. 2, Ward 3, at Lot 12, Block "C," McVicar Addition, by F. D. Jackson as Deputy Returning Officer, and F. N. Bowman as Poll Clerk.

7. On the 2nd day of January, 1908, at his office in the Council Chamber on Arthur Street, in the City of Port Arthur, at ten o'clock

o'clock in the forenoon, the mayor shall in writing signed by him, appoint one person to attend at each polling place, and at the final summing up of the votes by the clerk of this Corporation on behalf of the persons interested in and desirous of promoting or opposing the passage of this by-law respectively.

8. The 7th day of January, 1908, at the Council Chamber aforesaid at twelve o'clock noon, is hereby appointed for the summing up by the clerk of this Corporation of the number of votes given for and against the by-law respectively.

Council Chamber, Port Arthur, 13th day of January, 1908.

J. J. CARRICK,

Mayor.

J. McTEIGUE,

Clerk.

(Seal).

Schedule showing how the amount of \$770.74 thereby required to be raised annually by special rate is apportioned.

| Year. | Principal. | Interest. | Total. |
|-------|------------|-----------|----------|
| 1909 | \$370 74 | \$400 00 | \$770 74 |
| 1910 | 389 28 | 381 46 | 770 74 |
| 1911 | 408 74 | 362 00 | 770 74 |
| 1912 | 429 18 | 341 56 | 770 74 |
| 1913 | 450 64 | 320 10 | 770 74 |
| 1914 | 473 17 | 297 57 | 770 74 |
| 1915 | 496 83 | 273 91 | 770 74 |
| 1916 | 521 67 | 249 07 | 770 74 |
| 1917 | 547 75 | 222 99 | 770 74 |
| 1918 | 575 14 | 195 60 | 770 74 |
| 1919 | 603 90 | 166 84 | 770 74 |
| 1920 | 734 09 | 136 65 | 770 74 |
| 1921 | 665 79 | 104 95 | 770 74 |
| 1922 | 699 08 | 71 66 | 770 74 |
| 1923 | 734 04 | 36 70 | 770 74 |

SCHEDULE "E."

CITY OF PORT ARTHUR, BY-LAW No. 39.

By-law to provide for shortage on sale of debentures up to the end of the year 1907.

Whereas on the sale of the different debentures under the different by-laws effected by this city, the municipality were not able to realize the full amount of the face value of the said debentures;

And whereas such shortage arising out of the sale of all the said debentures issued under the different by-laws up to the end of the year 1907 amounts to \$15,500.00;

And whereas in order to raise the said sum of \$15,500.00 it will be necessary to issue debentures of the City of Port Arthur for the sum of \$15,500.00;

And whereas the total amount required by *The Municipal Act* to be raised annually by special rate for paying the said debt and interest is the sum of \$1,295.50 whereof \$775.00 is to be so raised annually for payment of interest during the currency of the said debentures, and \$520.50 is to be raised annually on account of the payment of the sinking fund for the payment of the debt secured by said debentures;

And whereas the amount of the whole rateable property of the City of Port Arthur, according to the last revised assessment roll thereof is \$9,468,416.00 of which \$2,341,800.00 is wholly exempt from taxation, and \$510,000.00 is exempt except for school taxes;

And

And whereas the amount of the existing debenture debt of the said municipality is \$1,786,379.56 exclusive of local improvement debts secured by special Acts, rates and assessments, and there is no part of the principal or interest in arrear;

Therefore the Council of the Corporation of the City of Port Arthur enacts as follows:—

1. That \$15,500.00 shall be expended by the City of Port Arthur to provide for shortage on sale of debentures up to the end of the year 1907, and for the purpose of raising the same sum debentures of the said City of Port Arthur, to the amount of \$15,500.00 as aforesaid shall be issued in sums of not less than \$100.00 each, on the 13th day of January, 1908, each of which debentures shall be dated on the said 13th day of January, 1908, and payable on the 13th day of January, 1928, at the Bank of Montreal, Toronto.

2. Each of the said debentures shall be signed by the Mayor and Treasurer of the said city and the Clerk of the said city shall attach thereto the corporate seal of the said municipality. The said debentures shall bear interest at the rate of five per cent. per annum, and be payable half-yearly at the said bank on the first days of February and August in each and every year during the currency thereof, and shall have attached to them coupons for payment of the said interest, which coupons shall be signed by the said Treasurer.

3. During the currency of the said debentures there shall be raised annually by special rate on all the rateable property in the said City of Port Arthur, the said sum of \$775.00 for payment of interest on the said debentures, and the said sum of \$520.50 for the purpose of creating a sinking fund for the payment of the debt hereby secured, making in all the sum of \$1,295.50 to be raised annually by special rates aforesaid, during each of the said twenty years.

4. This by-law shall take effect on the 13th day of January, 1908.

5. The votes of the electors of the said City of Port Arthur shall be taken on this by-law at the following times and places, that is to say, on the 6th day of January, 1908, commencing at the hour of nine o'clock in the forenoon and continuing till five o'clock in the afternoon of the same day, by the Deputy Returning Officers and Poll Clerks hereinafter mentioned, that is to say:—

Polling Subdivision No. 1, Ward 1, at Reading Room in Municipal Building on Arthur Street, by J. A. Clarke as Deputy Returning Officer, and Albert Servais as Poll Clerk.

Polling Subdivision No. 2, Ward 1, at the old Council Chamber on Park Street, by W. A. McCallum as Deputy Returning Officer, and F. S. Wheeler as Poll Clerk,

Polling Subdivision No. 1, Ward 2, at lot 9, east side of Cumberland Street, by Albert Bonin as Deputy Returning Officer, and E. J. B. Dobie as Poll Clerk.

Polling Subdivision No. 2, Ward 2, at John Coburn's Store, southwest corner Algoma and Bay Streets, by R. E. Mitchell as Deputy Returning Officer, and Walter Gordon as Poll Clerk.

Polling Subdivision No. 1, Ward 3, at Mr. A. L. Russell's Office, on the north side of Cameron Street, by Wm. Powley as Deputy Returning Officer, and John Teskey as Poll Clerk.

Polling Subdivision No. 2, Ward 3, at lot 12, block "C," McVicar Addition, by F. D. Jackson as Deputy Returning Officer, and F. N. Bowman as Poll Clerk.

6. On the second day of January, 1908, at his office in the Council Chamber, on Arthur Street, in the City of Port Arthur, at ten o'clock in the forenoon, the Mayor shall in writing signed by him, appoint two persons to attend at the final summing up of the votes by the Clerk of this Corporation, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law respectively.

7. The seventh day of January, 1908, at the Council Chamber aforesaid, at 12 o'clock noon, is hereby appointed for the summing up by the Clerk of this Corporation of the number of votes given for and against this by-law respectively.

Council Chamber, Port Arthur, 13th day of January, 1908.

J. J. CARRICK,
Mayor.

J. McTEIGUE,
Clerk.

(Seal).

SCHEDULE "F."

THE CITY OF PORT ARTHUR, BY-LAW NO. 3.

A By-law to provide for the purchase of a Steam Roller for road-making purposes, and to issue Debentures therefor.

Whereas it is deemed advisable, in the interests of this Corporation, to purchase a steam roller for road-making purposes;

And whereas the Council has decided to purchase same at a cost of \$3,500.00, and, pursuant to the Statutes, intend to issue debentures payable in not more than five years from the date of the issuance of same;

And whereas in order to raise the said sum of \$3,500.00 it will be necessary to issue debentures of the Corporation of the City of Port Arthur for \$3,500.00, as hereinafter provided, (which is the amount of the debt intended to be created by this by-law), the proceeds of the said debentures to be applied to the purposes aforesaid and no other;

And whereas it is desirable to issue the said debentures at one time and to make the principal of the said debt repayable by yearly sums during the period of five years, being the currency of the said debentures, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of the said debt shall be as nearly as possible equal to the amount so payable in each of the other four years of the said period, as shown in schedule hereto attached.

And whereas the total amount required by *The Municipal Act* to be raised annually by special rate for paying the said debt and interest as hereinafter provided is \$808.41, the amount payable for principal and interest respectively on account of each instalment of the said debt being shown in the said Schedule "A" hereto.

And whereas the amount of the whole rateable property of the City of Port Arthur, according to the last revised assessment roll thereof, is \$7,092,029.00, of which \$1,665,570.00 is wholly exempt from taxation, and \$400,000.00 is exempt except for school taxes;

And whereas the amount of the existing debenture debt of the said municipality is \$1,271,981.87, exclusive of local improvement debts secured by special Acts, rates or assessments, and there is no part of the principal or interest in arrear;

Therefore the Council of the Corporation of the City of Port Arthur enacts as follows:—

1. The sum of \$3,500.00 shall be expended by the City of Port Arthur for the purpose of the purchase of a steam roller for road-making purposes, and for the purpose of raising the said sum, debentures of the said City of Port Arthur to the amount of \$3,500.00, as aforesaid, shall be issued in sums of not less than \$100.00 each.

2. The said debt and the said debentures issued therefor shall bear interest at the rate of five per cent. per annum. The debentures shall be dated on the day of the issue thereof, and shall be payable in equal amounts in each of the five years next succeeding the said date, such amounts being made up of the aggregate sum due

due each year on account of principal and interest, as shown in the said Schedule "A" hereto.

3. Each of the said debentures shall be signed by the mayor of the said City of Port Arthur, or by some other person authorized by law to sign same, and by the treasurer of the said City, and the clerk shall attach thereto the corporate seal of the said municipality.

4. The said debentures shall be payable on the first days of June in each year during the said five years, at the Bank of Montreal, at the City of Toronto.

5. During the five years from 1908 to 1912, inclusive, being the five years next succeeding the date of the issue of the said debentures, there shall be annually raised by special rate on all the rateable property in the said City of Port Arthur, the sum of \$808.41 for the purpose of paying the debentures falling due in each of the said years respectively.

6. This by-law shall take effect on the 1st day of June, 1907.

Council Chamber, Port Arthur, 15th day of May, 1907.

(Sgd.) G. CLAVET,

Mayor.

J. McTEIGUE,

Clerk.

Schedule "A" referred to in the foregoing by-law, showing the amount of \$808.41 thereby required to be raised annually by special rate is apportioned.

| Year. | Principal. | Interest. | Total. |
|-------|------------|-----------|----------|
| 1908 | \$633 41 | \$175 00 | \$808 41 |
| 1909 | 665 09 | 143 32 | 808 41 |
| 1910 | 698 34 | 110 07 | 808 41 |
| 1911 | 733 25 | 75 16 | 808 41 |
| 1912 | 769 91 | 38 50 | 808 41 |

CHAPTER 106.

An Act respecting the Renewal of certain Debentures of the Town of Port Hope and the Port Hope Harbour.

Assented to 14th April, 1908.

Preamble.

WHEREAS the Corporation of the Town of Port Hope, under and by virtue of an Act passed in the forty-ninth year of the reign of Her late Majesty Queen Victoria, and intituled *An Act respecting the Consolidated Debt of the Town of Port Hope*, has issued debentures as follows, that is to say: \$26,500, bearing interest at the rate of five per cent. per annum and maturing and payable on the fifteenth day of March, A.D. 1908; \$25,000, bearing interest at the rate of four per cent. per annum and maturing and payable on the first day of April, A.D. 1911; and \$15,000, bearing interest at the rate of four and one-half per cent. per annum and maturing and payable on the second day of October, A.D. 1911; and whereas the said Corporation, in accordance with the provisions of the said Act, has provided and formed a Sinking Fund in respect of the said debentures, which Sinking Fund now amounts to the sum of \$12,344.28; and whereas under the further authority of the said Act, the said Corporation, in conjunction with the Commissioners of the Port Hope Harbour, have issued debentures for the sum of \$60,000, bearing interest at the rate of four and one-half per cent. per annum and maturing and payable on the first day of April, A.D. 1909; and whereas the said Corporation of the Town of Port Hope has by petition prayed that an Act may be passed to authorize the said Corporation to raise by the issue of debentures from time to time such sums of money as shall be sufficient for the redemption of the outstanding and above mentioned debentures of said Corporation after deducting the amount and proportion of said Sinking Fund applicable to and belonging to the several issues of said debentures as aforesaid; and whereas the said Corporation of the Town of Port Hope has further prayed that
the

the said Corporation may be authorized to join with the Commissioners of the Port Hope Harbour in issuing the joint debentures of the said town and the Commissioners of the Port Hope Harbour to raise a sum of money sufficient for the redemption of the said outstanding joint debentures of said town and harbour; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. It shall be lawful for the Corporation of the said Town of Port Hope to issue debentures under the Corporate Seal, signed by the Mayor and countersigned by the Treasurer of the said town for the time being, for such sums not exceeding \$54,000 in the whole as the said Corporation may from time to time direct, and to raise by way of loan upon the credit of the said debentures a sum not exceeding in the whole \$54,000.

Town of
Port Hope
authorized
to borrow
\$54,000.

2. It shall be lawful for the said Corporation in conjunction with the Commissioners of the Port Hope Harbour, to issue debentures under the respective Corporate Seals of said Corporation and Commissioners, signed by the Mayor and countersigned by the Treasurer and by the Chairman and Secretary of the said Commissioners of the Port Hope Harbour for the time being, in such sums not exceeding \$60,000 in the whole as the said Corporation and Commissioners may from time to time direct, and may raise by way of loan upon the credit of the said debentures a sum not exceeding in the whole \$60,000.

Town and
Harbour
Commissioners
authorized to
borrow
\$60,000.

3. The debentures authorized by this Act shall be in such sums, not less than \$100 each, as the Council of the said Corporation may direct, and may be made payable in any period not more than forty years from the date of the issue thereof.

Term of
debentures.

4. The said debentures shall bear interest at a rate not exceeding five and one-half per cent. per annum, payable half-yearly, and shall have coupons attached thereto for the interest, and shall be payable at such place or places as the Council of the said Corporation may deem expedient.

Interest and
coupons.

5. Every debt incurred under this Act shall be payable in equal annual instalments of principal and interest in such manner and in such amounts that the total amount payable for principal and interest in any year shall be equal as nearly as may be to the total amount payable in each of the other years of the period within which the debt is to be paid.

How debt to
be paid.

Special rate.

6. The said Corporation shall levy in each year during the period within which any such debt is payable, in addition to all other rates and assessments, a special rate sufficient to produce and pay the instalment of principal and interest falling due in respect of the debt during the year. Provided that if at the end of any year there is a balance in the hands of the Commissioners of the Port Hope Harbour from the receipts of the said Commissioners during that year after paying all expenses properly chargeable upon such receipts, the balance shall be applied in payment of the instalment of principal and interest of any debt incurred under this Act falling due in the following year, and it shall not be necessary in that year to levy a greater amount than will be sufficient with the said balance to pay such instalment.

Application of moneys borrowed under section 1.

7. All moneys raised under the authority of section 1 of this Act shall be applied by the Council of the said Corporation to the redemption and payment of the outstanding and maturing debentures of said Corporation as aforesaid and for no other purpose whatsoever, and all moneys raised under the authority of section 2 of this Act shall be applied by the Council of the said Corporation and the said Commissioners to the redemption and payment of the said outstanding and maturing joint debentures of said Corporation and Commissioners and to and for no other purpose whatsoever.

Assent of ratepayers not required.

8. It shall not be necessary to obtain the assent of the electors or ratepayers of the said Town of Port Hope to the passing of any by-law or by-laws which shall be passed under this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*, or any Act or Acts amending the same.

Indebtedness of town or of Harbour Commissioners not discharged.

9. Nothing in this Act contained shall be held or taken to discharge the Corporation of the Town of Port Hope or the Commissioners of the Port Hope Harbour jointly or severally from any indebtedness or liability which may not be included in the debts in this Act mentioned and set forth.

Treasurer to keep proper books of account.

10. It shall be the duty of the Treasurer for the time being, of the said town, to keep, and it shall be the duty of each of the members from time to time of the said municipal council to procure such Treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively

respectively become due and payable, and the several amounts which shall, from time to time, be realized upon the sale or negotiation of the said debentures, and the application which shall, from time to time, be made of the said amounts; and the said book of account and statement shall at all times, and at all reasonable hours, be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred or any of such debentures.

11. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, or any of them, which are or may be inconsistent with the provisions of this Act, shall not apply to any by-law or by-laws passed by the said Corporation under the provisions of this Act; and no irregularity in the form of the debentures or any of them authorized to be issued by this Act or in the form or passing of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said Corporation or Harbour Commissioners or both for the recovery of the amount of said debentures or interest or any or either of them or any part thereof; and the purchasers or holders of said debentures or any of them shall not be bound to enquire as to the necessity of passing any such by-law or issuing such debentures or as to the application of the proceeds of the same or any part thereof.

Inconsistent
enactments
not to apply.

12. This Act may be cited as *The Town of Port Hope and Port Hope Harbour Debenture Act, 1908.*

Short title.

CHAPTER 107.

An Act respecting the Town of Sarnia.

Assented to 14th April, 1908.

Preamble.

WHEREAS the Municipal Corporation of the Town of Sarnia has by petition represented that under the agreement and by-law set out in Schedule "A" to the Act passed in the second year of His Majesty's reign, Chaptered 95, the Sarnia Street Railway Company are liable to pay all extra costs of paving, repaving, macadamizing, remacadamizing, gravelling or regravelling and maintenance of the track allowances occasioned by the construction, operation or existence of the street railway tracks or works, such extra costs to be determined in case of dispute by the Town Engineer without any appeal from his decision, and after the said Corporation shall have a population of twenty thousand people, then in addition to such extra costs to repave, remacadamize and wholly maintain and keep in repair to the satisfaction of the Board of Works for the time being such track allowances; and whereas it is desirable that authority should be granted to issue debentures from time to time to cover the extra and other costs as aforesaid in the same manner as Local Improvement Debentures are issued from time to time to cover that part of the cost of paving any street on which street railway tracks are laid, which is charged against the owners of the property fronting or abutting on any such street; and whereas the said Corporation has prayed that an Act may be passed for the said purposes; and whereas subject as is hereinafter provided, it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of
debentures
authorized.

1. The Municipal Corporation of the Town of Sarnia may from time to time pass a by-law or by-laws to borrow from time to time such moneys as may be necessary to pay the "extra costs" and all other costs set out in section 2 of this

this Act, and for such purposes may issue debentures payable in this Province or elsewhere in sums of not less than \$100 each, bearing interest at a rate to be fixed by the Municipal Corporation of the Town of Sarnia and payable yearly.

2. The said debentures and all moneys arising therefrom shall be applied by the said Corporation in paying the extra costs of paving, repaving, macadamizing, remacadamizing, gravelling, regravelling and maintenance of the track allowances of the said Sarnia Street Railway Company occasioned by the construction, operation or existence of the street railway tracks or works which have been or may hereafter be determined by the Town Engineer under paragraph 9 of By-law No. 544, set out in Schedule "A" to the Act passed in the second year of His Majesty's reign, Chaptered 95, or which have been or may hereafter be determined under any other agreement between the Town of Sarnia and the Sarnia Street Railway Company, including in each case the cost of such by-laws and of the issue and sale of the said debentures, and the said debentures and moneys shall not be applied to any other purpose.

Application of
proceeds of
debentures.

3. A portion of the debentures authorized to be issued under the authority of this Act shall be made payable in each year for a period of not more than twenty years from the day of the date of the respective issues thereof and so that the aggregate amount to be levied and payable for the principal and interest in any one year in respect of any debt contracted under this Act by any issue of debentures shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which such debt is to be discharged.

Debentures—
how payable.

4. The said Corporation shall levy in each year on the whole rateable property of the said Sarnia Street Railway Company in the said Town, in addition to all other rates to be levied, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, and the said Corporation may in any by-law passed under this Act declare that the debt created on the security of the special rate is guaranteed by the Municipality at large and the debentures shall in that case be so guaranteed.

Special rate.

5.—(1) It shall not be necessary to obtain the assent of the ratepayers to the passing of any by-law for the issue of debentures under the authority of this Act, or to observe any of the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*, or any amendments thereto.

Assent of
ratepayers not
required.

(2) No irregularity in the form of the said debentures or of any by-law authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the Corporation for the recovery of the amount of the said debentures or interest or any or either of them or any part thereof.

(3) The purchaser or holder of the said debentures shall not be bound to inquire as to the necessity for the passing of any such by-law or of the issue of such debentures or as to the application of the proceeds thereof.

By-law and
debentures
validated.

6. The said Corporation may issue and sell the said debentures and any by-law providing for the issue of the said debentures, when passed, and any debentures to be issued thereunder, when issued, shall be legal, valid and binding.

Treasurer to
keep proper
books of
account.

7. It shall be the duty of the Treasurer for the time being of the said Town to keep, and it shall be the duty of each of the members from time to time of the said Municipal Council to procure such Treasurer to keep, and see that he does keep a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized, from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts; and the said book of account and statement shall at all times, and at all reasonable hours be open to the inspection of any ratepayer of the said Town, and any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred on any of such debentures.

Debentures a
first charge on
property of
Company.

8. The said debentures and the said special rate shall form a first charge on all the property and assets of the said company in the Town of Sarnia in preference and priority to any other charge, claim or lien.

CHAPTER 108.

An Act respecting the Town of Sault Ste. Marie.

Assented to 14th April, 1908.

WHEREAS the Council of the Corporation of the Town of Sault Ste. Marie, in the District of Algoma, has by petition represented that during the years 1903, 1904, 1905, 1906 and 1907 various irregularities and failures to comply with the requirements of *The Assessment Act* in the preparation of assessment and collector's rolls in the said town are alleged to have taken place, and in consequence thereof great difficulties have been met with in the effort to collect taxes within the said town, and has prayed that all assessment rolls of the said town for said years heretofore finally revised and all collector's rolls for said years finally returned should be validated and confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. All assessment rolls of the said town for the years 1903, 1904, 1905, 1906 and 1907 heretofore finally revised and all collector's rolls of said town for said years heretofore finally returned, are hereby validated and confirmed, notwithstanding anything to the contrary in Chapter 224 of the Revised Statutes of Ontario, 1897, therein cited as *The Assessment Act*, or in *The Assessment Act*, notwithstanding any failure to comply with the provisions of the said Acts or either of them.

Assessment
and collector's
rolls for 1903
to 1907
validated.

CHAPTER 109.

An Act respecting the Town of Smith's Falls.

Assented to 14th April, 1908.

Preamble.

WHEREAS the Corporation of the Town of Smith's Falls has by its petition represented that under the provisions of *The Smith's Falls Act, 1899*, the Council have from time to time passed six several by-laws as recited in *The Smith's Falls Act, 1905*, for the issue of portions of the debentures authorized under the said first mentioned Act amounting to \$37,061, and have sold such debentures and that on 29th December, 1905, they passed their By-law No. 696, authorizing the issue of debentures under *The Smith's Falls Act, 1899*, to the amount of \$5,568, bearing interest at the rate of four per cent. per annum, and payable in thirty-five annual instalments commencing on 30th December, 1906; that the rates imposed to pay the debentures and interest falling due in each of the years 1906-1907 have been levied but that the debentures authorized by such by-law have not been issued; that the Council on 29th December, 1906, passed their By-law No. 729, authorizing the issue of further debentures under *The Smith's Falls Act, 1899*, to the amount of \$4,250, bearing interest at the rate of four per cent. per annum, and payable in thirty-five annual instalments commencing on 31st December, 1907; that the rates imposed to pay the debentures and interest falling due in the year 1907 have been levied, but that the debentures authorized by such by-law have not been issued; that the Council on 1st December, 1907, passed their By-law No. 767, authorizing the issue of further debentures under *The Smith's Falls Act, 1899*, to the amount of \$4,537, bearing interest at the rate of four per cent. per annum, and payable in thirty-five annual instalments; that on 26th December, 1907, the Council passed their By-laws Nos. 769, 770 and 772 respectively, increasing the rate of interest to five and one-quarter per cent. on the debentures authorized under the said By-laws Nos. 696, 767, and 729 respectively, and each of such By-laws Nos. 769, 770 and 772 was approved by the Ontario Railway and

Municipal Board, and the said Corporation has prayed that an Act may be passed confirming such By-law No. 696, as amended by By-law No. 769 and By-law No. 729, as amended by By-law No. 772, and By-law No. 767, as amended by By-law No. 770, and authorizing the issue of the debentures yet to mature under the said three by-laws as so amended and also authorizing the Municipal Council of the said Town in the further by-laws to be passed under *The Smith's Falls Act, 1899*, to make the interest payable on the debentures thereby authorized at such rate as the Council shall deem meet, but not exceeding the rate of five and one-half per cent. per annum; and whereas no opposition has been offered, and it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said By-law No. 696, as amended by By-law No. 769, is hereby declared to be legal, valid and binding, and the said Corporation is hereby authorized and required to issue thirty-three debentures, each of the amount of \$350.85, one to mature on the 30th day of December in each year from 1908 to 1940, both inclusive, in accordance with said By-law No. 769, and such debentures so issued shall be legal, valid and binding upon the said Corporation.

By-law 696
of town of
Smith's Falls
as amended
by By-law 769
confirmed.

2. The said By-law No. 729, as amended by By-law No. 772, is hereby declared to be legal, valid and binding, and the said Corporation is hereby authorized and required to issue thirty-four debentures each of the amount of \$267.80, one to mature on the 31st day of December in each year from 1908 to 1941, both inclusive, in accordance with said By-law No. 772, and such Debentures so issued shall be legal, valid and binding upon the said Corporation.

By-law 729 as
amended by
By-law 772
confirmed.

3. The said By-law No. 767, as amended by By-law No. 770, and the debentures issued or to be issued thereunder are hereby declared to be legal, valid and binding upon the said Corporation.

By-law 767 as
amended by
By-law 770
confirmed.

4. In all By-laws which may be passed authorizing the issue of debentures under the provisions of *The Smith's Falls Act, 1899*, the rate of interest may be such as the Council shall deem meet, not exceeding five and one-half per cent. per annum, and the debentures to be issued under any such by-law may be issued in amounts of combined principal and interest, or with coupons as the Council may determine.

Rate of
interest.

CHAPTER 110.

An Act respecting the Town of Southampton.

Assented to 14th April, 1908.

Preamble.

WHEREAS the Municipal Corporation of the Town of Southampton has by petition represented that the floating debt and the debenture debt of the said Corporation existing at the time were consolidated by an Act passed in the fifth year of the reign of His Majesty, King Edward the Seventh, Chaptered 77, intituled *An Act respecting the Town of Southampton*, and the said Corporation was authorized by the said Act to issue debentures to raise sums to retire the said floating debt and debenture debt; that in and by the said Act it was provided that coupons should be attached to the said debentures for the payment of the interest thereon, and that said debentures should bear interest at any rate not exceeding four per cent. per annum; that the said Corporation have issued debentures under the said Act bearing interest at four per cent. per annum and have offered them for sale, but, on account of the stringency of the money market at the present time and the scarcity of money, together with the low rate of interest payable under said debentures, have been unable to dispose of said debentures with advantage to the said town; that if the rate of interest payable under the said debentures was increased from the said rate of four per cent. to five per cent. per annum that the said debentures could be disposed of with a greater degree of advantage to the said Corporation than if issued and sold at the said rate of four per cent.; and whereas the said Corporation has prayed that an Act may be passed to amend the said *Act respecting the Town of Southampton* by providing that the debentures issued or to be issued under the said Act and not already disposed of by the said Corporation may bear interest at any rate not exceeding five per cent. per annum, and it is desirable to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 4 of *The Act respecting the Town of South-*^{5 Edw. VII.,}
ampton, passed in the fifth year of His Majesty's reign,^{c. 77, s. 4}
Chaptered 77, is amended by striking out the word "four"
in the seventh line thereof and inserting in lieu thereof the
word "five."

2. This Act shall apply to all debentures not already ^{Application of}
issued under such former Act, and also to all debentures that ^{Act.}
have been issued under the said Act but have not yet been
disposed of by the said Corporation of the Town of South-
ampton.

CHAPTER 111.

An Act to confirm By-laws No. 183 and 188 of the
Town of Thorold.

Assented to 14th April, 1908.

Preamble.

WHEREAS, the Municipal Corporation of the Town of Thorold has, by its petition represented that on the 7th day of January, 1907, By-law No. 183 of the Town of Thorold, being "A By-law to raise by way of loan upon the credit of the Municipal Corporation of the Town of Thorold, the sum of eighty thousand dollars (\$80,000.00), for the construction of water works in the said Town of Thorold, and for exercising all the powers necessary for that purpose, as provided by *The Consolidated Municipal Act, 1903*, and *The Municipal Waterworks Act*, and amendments thereto," was submitted to the electors of the said Town of Thorold, and was duly approved of by the said electors; that the said By-law was read a third time and finally passed on the third day of February, 1907; that on the fifteenth day of May, 1907, By-law No. 188, being a by-law to amend By-law No. 183, by increasing the rate of interest payable thereunder, from four to four and three-quarters per cent. was duly passed by the Municipal Council of the said Town of Thorold, and on the 31st day of May, 1907, was approved by "The Ontario Railway and Municipal Board"; that doubts have arisen as to the validity of the said by-laws, as the annual rate required to be levied to meet the debentures thereby authorized would, in addition to other necessary rates, make the aggregate rate of the Municipality more than two cents in the dollar, exclusive of school rates and local improvement rates, and that it is necessary and desirable that the said by-laws should be confirmed; and whereas the said Municipal Corporation has, by the said petition prayed that an Act may be passed for the said purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-laws Nos. 183 and 188 of the Municipal Corporation of the Town of Thorold as set forth in Schedules "A" and "B" to this Act, are declared legal, valid and binding upon the said Municipal Corporation in the same manner, and to the same extent as if set out at length and incorporated in this Act, and notwithstanding any want of jurisdiction in the said municipality to pass the said by-laws, and notwithstanding any defect in substance or in form in the said by-laws or in the manner of passing the same.

By-laws No. 183 and 188 of Town of Thorold confirmed.

2. It shall be lawful for the said Municipal Corporation of the Town of Thorold to raise by way of loan the sum of eighty thousand dollars on the credit of the debentures issued, or to be issued, under and pursuant to the provisions of the said by-laws, and repayable in the manner and at the times therein provided.

Authority to borrow \$80,000.

SCHEDULE A.

BY-LAW No. 183.

A By-law to raise by way of loan upon the credit of the Municipal Corporation of the Town of Thorold, the sum of eighty thousand dollars (\$80,000.00) for the construction of Waterworks in the said Town of Thorold, and for exercising all the powers necessary for that purpose, as provided by *The Municipal Act of Ontario, The Consolidated Municipal Act, 1903, and The Municipal Waterworks Act, Revised Statutes of Ontario, 1897, and amendments thereto.*

Whereas it is expedient and necessary to raise by way of loan upon the credit of the Corporation of the Town of Thorold the sum of eighty thousand dollars (\$80,000.00) for the construction of waterworks in and for the said Town of Thorold, and for the exercising of all powers and privileges connected therewith, as defined and provided in and by *The Municipal Act of Ontario, The Consolidated Municipal Act, 1903, and the Act known as The Municipal Waterworks Act, Revised Statutes of Ontario, 1897, Chapter 235, and amendments thereto*;

And whereas it will require the sum of four thousand six hundred and twenty-six dollars and forty-one cents to be raised annually by special rate for the payment of the said debt and interest over and above all other rates and assessments;

And whereas the whole rateable property of the said Corporation, according to the last revised Assessment Roll, amounts to the sum of six hundred and forty-five thousand one hundred and forty-five dollars (\$645,145);

And whereas the amount of the existing debenture debt of the said Corporation is thirty-four thousand five hundred and sixty-eight dollars and eighty-one cents, and no principal or interest is in arrear;

Therefore the Municipal Corporation of the Town of Thorold enacts as follows:—

1. That it shall be lawful for the Mayor of the said Town of Thorold, for the purpose aforesaid, to borrow the sum of eighty thousand dollars (\$80,000.00), and to issue debentures of the said municipality to the amount of eighty thousand dollars (\$80,000) in sums

sums not less than one hundred dollars (\$100) each, payable in the manner, for the amounts, and at the times hereinafter more particularly mentioned.

2. That the said debentures shall have attached to them coupons for the payment of interest at the rate of four (4) per cent. per annum, which coupons, as well as the said debentures, shall be signed by the Mayor and Treasurer, sealed with the Corporate Seal of the said Corporation, and shall be made payable on the first day of September in each and every year during the continuance of said debentures.

3. That the said debentures issued under this By-law shall be made payable on the first day of September in each and every year, for a period of thirty (30) years, so that the sum to be levied for principal and interest shall be, as nearly as may be, equal in each year, and the said sum to be raised and levied annually, as aforesaid, is hereby fixed at four thousand six hundred and twenty-six dollars and forty-one cents, which amount shall be raised by a special rate sufficient therefor on the whole rateable property of the said Corporation, over and above all other rates, and to be called the Waterworks rate.

4. That the principal and interest on the debentures issued under this By-law shall be payable at the Quebec Bank in the Town of Thorold.

5. That the yearly instalments of principal and interest shall be payable of the first day of September in each and every year, as provided for in section two (2) of this By-law; the total payments of principal and interest in each and every year shall be as follows:

| Year. | Principal. | Interest. | Total Annual Payment. |
|-------|-------------|-------------|-----------------------|
| 1908 | \$1,426 41 | \$3,200 00 | \$4,626 41 |
| 1909 | 1,483 46 | 3,142 95 | 4,626 41 |
| 1910 | 1,542 80 | 3,083 61 | 4,626 41 |
| 1911 | 1,604 52 | 3,021 89 | 4,626 41 |
| 1912 | 1,668 69 | 2,957 72 | 4,626 41 |
| 1913 | 1,735 44 | 2,890 97 | 4,626 41 |
| 1914 | 1,804 87 | 2,821 45 | 4,626 41 |
| 1915 | 1,877 06 | 2,749 35 | 4,626 41 |
| 1916 | 1,952 14 | 2,674 27 | 4,626 41 |
| 1917 | 2,030 23 | 2,596 18 | 4,626 41 |
| 1918 | 2,111 43 | 2,514 98 | 4,626 41 |
| 1919 | 2,195 89 | 2,430 52 | 4,626 41 |
| 1920 | 2,283 72 | 2,342 69 | 4,626 41 |
| 1921 | 2,375 07 | 2,251 34 | 4,626 41 |
| 1922 | 2,470 08 | 2,156 33 | 4,626 41 |
| 1923 | 2,568 88 | 2,057 53 | 4,626 41 |
| 1924 | 2,671 64 | 1,954 77 | 4,626 41 |
| 1925 | 2,778 50 | 1,847 91 | 4,626 41 |
| 1926 | 2,889 64 | 1,736 77 | 4,626 41 |
| 1927 | 3,005 23 | 1,621 18 | 4,626 41 |
| 1928 | 3,125 43 | 1,500 98 | 4,626 41 |
| 1929 | 3,250 45 | 1,375 96 | 4,626 41 |
| 1930 | 3,380 47 | 1,245 94 | 4,626 41 |
| 1931 | 3,515 69 | 1,110 72 | 4,626 41 |
| 1932 | 3,656 32 | 970 09 | 4,626 41 |
| 1933 | 3,802 57 | 823 84 | 4,626 41 |
| 1934 | 3,954 67 | 671 74 | 4,626 41 |
| 1935 | 4,112 86 | 513 55 | 4,626 41 |
| 1936 | 4,277 37 | 349 04 | 4,626 41 |
| 1937 | 4,448 47 | 177 94 | 4,626 41 |
| | \$80,000 00 | \$58,792 30 | \$138,792 30 |

6. That this By-law shall take effect on the fifth day of February, 1907.

7. That the votes of the qualified electors of the said Town of Thorold shall be taken on this By-law at the following times and places, that is to say, on Monday, the seventh day of January next, at the hour of nine o'clock in the forenoon, and continuing till five o'clock in the afternoon of the same day:

In St. George's Ward, at the Town Hall; P. C. Creeggan, Deputy Returning Officer.

In St. Andrew's Ward, at Mrs. Stewart's Store; Robert Eddy, Deputy Returning Officer.

In St. Patrick's Ward, at Mrs. Bonafaux's; James Swinton, Deputy Returning Officer.

In St. David's Ward, at Fire Hall; Wm. G. Dent, Deputy Returning Officer.

8. On Saturday, the fifth day of January next, the Mayor shall attend at the Council Chamber at 10 o'clock a.m., to appoint persons to attend at the various polling places, and at the final summing up of the votes by the clerk, respectively, on behalf of the persons interested in and desirous of promoting or opposing the passing of this By-law.

9. The Clerk of the said municipality shall attend at the Council Chamber in the said Town at 10 o'clock in the forenoon of the eighth day of January next, and sum up the number of votes given for and against this By-law.

Read a third time, and finally passed, the 4th of February, 1907.

D. E. MILLAR,

Mayor.

D. J. C. MUNRO,

Clerk.

(Seal.)

SCHEDULE B.

BY-LAW No. 188.

A By-law to amend By-law No. 183.

Whereas, owing to an advance in the rate of interest for money since the time of the passing of By-law No. 183, the debentures authorized to be issued thereunder cannot be sold or disposed of except at a discount involving a substantial reduction in the amount required to be provided for, and

Whereas, it is necessary to provide for the payment of an increased rate of interest on the said debentures;

Be it therefore enacted, and it is hereby enacted by the Municipality Corporation of the Town of Thorold, in the County of Welland, subject to the approval thereof by the Lieutenant-Governor in Council;

That By-law No. 183 of the Municipal Corporation of the Town of Thorold be, and the same is hereby amended as follows:—

1. By striking out the words and figures "Four thousand six hundred and twenty-six dollars and 41 cents," where they occur in the second recital of said By-law, and substituting the words and figures "Five thousand and fifty-six dollars and 75 cents," in lieu thereof.

2. By striking out the word and figure "four (4)" in the second enacting clause of said By-law, and substituting the word and figure "four and three-quarters (4 $\frac{3}{4}$)," in lieu thereof.

3. By striking out the words and figures "Four thousand six hundred and twenty-six dollars and 41 cents," when they occur in the third enacting clause and substituting the words and figures "Five thousand and fifty-six dollars and 75 cents," in lieu thereof.

4.

4. By striking out the words and figures after the word "follows" in the fifth enacting clause, and substituting the words and figures following in lieu thereof, viz. :—

| Year. | Principal. | Interest. | Total Annual Payment. |
|-------|-------------------|-------------------|-----------------------|
| 1908 | \$1,256 75 | \$3,800 00 | \$5,056 75 |
| 1909 | 1,316 45 | 3,740 30 | 5,056 75 |
| 1910 | 1,378 98 | 3,677 77 | 5,056 75 |
| 1911 | 1,444 48 | 3,612 27 | 5,056 75 |
| 1912 | 1,513 10 | 3,543 65 | 5,056 75 |
| 1913 | 1,584 98 | 3,471 77 | 5,056 75 |
| 1914 | 1,660 26 | 3,396 49 | 5,056 75 |
| 1915 | 1,739 12 | 3,317 53 | 5,056 75 |
| 1916 | 1,821 73 | 3,235 02 | 5,056 75 |
| 1917 | 1,908 27 | 3,148 48 | 5,056 75 |
| 1918 | 1,998 91 | 3,057 84 | 5,056 75 |
| 1919 | 2,093 85 | 2,962 40 | 5,056 75 |
| 1920 | 2,193 31 | 2,863 44 | 5,056 75 |
| 1921 | 2,297 49 | 2,759 26 | 5,056 75 |
| 1922 | 2,406 62 | 2,650 13 | 5,056 75 |
| 1923 | 2,520 93 | 2,535 82 | 5,056 75 |
| 1924 | 2,640 68 | 2,416 07 | 5,056 75 |
| 1925 | 2,766 11 | 2,290 64 | 5,056 75 |
| 1926 | 2,897 50 | 2,159 25 | 5,056 75 |
| 1927 | 3,035 14 | 2,021 61 | 5,056 75 |
| 1928 | 3,179 30 | 1,877 45 | 5,056 75 |
| 1929 | 3,330 32 | 1,726 43 | 5,056 75 |
| 1930 | 3,488 50 | 1,568 25 | 5,056 75 |
| 1931 | 3,654 21 | 1,402 54 | 5,056 75 |
| 1932 | 3,827 79 | 1,228 96 | 5,056 75 |
| 1933 | 4,009 60 | 1,047 15 | 5,066 75 |
| 1934 | 4,200 05 | 856 70 | 5,056 75 |
| 1935 | 4,399 57 | 651 18 | 5,056 75 |
| 1936 | 4,608 55 | 448 20 | 5,056 75 |
| 1937 | 4,827 45 | 229 30 | 5,056 75 |
| | <hr/> \$80,000 00 | <hr/> \$71,696 50 | <hr/> \$151,702 50 |

Dated at the Town of Thorold, Ont., this 15th day of May, A.D. 1907.

(Sgd.) D. E. MILLAR,
Mayor.

(Sgd.) D. J. C. MUNRO,
Clerk.

(Seal.)

CHAPTER 112.

An Act respecting the City of Toronto.

Assented to 14th April, 1908.

WHEREAS the Municipal Corporation of the City of Preamble.
Toronto has by petition prayed for special legisla-
tion in respect of the several matters hereinafter set forth;
and whereas the said Corporation represents that it
is desirable to allow it to make a grant not ex-
ceeding \$50,000 to the Toronto Hospital for Incur-
ables, and to validate the agreement between it and the
said hospital; and whereas the said Corporation represents
that it is desirable that the Act to incorporate the Indus-
trial Exhibition Association of Toronto should be amended
with respect to the filling of vacancies in the office of
directors appointed by the Council of the said Corporation;
and whereas the said Corporation desires that it may be
allowed to use a portion of Kiverdale Park for the purpose
of a hospital for measles and minor contagious diseases;
and whereas no objections have been made to any of the
by-laws set out or referred to in Schedule "B" hereto, and
no objection has been offered to the confirmation of the
same; and whereas the value of the whole rateable property
of the said City, according to the last revised assessment
rolls, is \$206,217,486, and the existing debenture debt of
the said City exclusive of the local improvement debt and
the debt incurred for water works purposes (which under
the statutes relating to the said City is not to be counted
as part of the general debenture debt) is \$15,918,773, of
which no part of the principal or interest is in arrear; and
whereas it is expedient to grant the prayer of the said
petition;

Therefore His Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. Notwithstanding anything contained in the Act passed
in the fifty-fifth year of the reign of Her late Majesty Queen
Victoria,
Construction of
Street Railway
agreement.

Victoria, and Chaptered 99, and intituled *An Act to incorporate the Toronto Railway Company and to confirm the agreement between the Corporation of the City of Toronto and George W. Kiely, William McKenzie, Henry A. Everett and Chauncey C. Woodworth*; and notwithstanding any judicial decision interpreting the effect of the said Act and the said agreement, it is hereby declared that it is and always has been the true intent and meaning of the said Act that the rights retained by and secured to the Corporation of the City of Toronto by the said agreement as to the control and management of the streets of the said City, and as to establishing and laying down new lines of railway, and as to extending the street car service upon the streets of the said City, as may be from time to time recommended by the City Engineer, and approved by the City Council, have not been and are not affected by the said Act, but said rights remain and are as set out in the said agreement scheduled to the said Act.

Grant to
Toronto
Hospital for
Incurables.

2. The Council of the said City may after submitting the same to and receiving the assent of the ratepayers qualified to vote on money by-laws, pass a by-law or by-laws for making a grant of not more than \$50,000 to the Toronto Hospital for Incurables to enable it to build an addition to its building, and for authorizing the issue of "City of Toronto Consolidated Loan Debentures" to such an amount as may be necessary to raise such sum.

Grants to
Toronto and
Muskoka Free
Hospitals for
Consumptives.

3. The Council of the said City may, without submitting the same to the ratepayers, pass a by-law or by-laws to authorize the issue of City of Toronto Consolidated Loan Debentures to such amount as may be required to raise a sum not exceeding \$50,000, and may out of said sum, make grants to the Toronto Free Hospital for Consumptives, and the Muskoka Free Hospital for Consumptives, in such proportions to each of the said hospitals as may be determined by the said Council, and upon conditions to be approved by the Council.

Grants to St.
Michael's,
Grace and
Western Hos-
pitals.

4. The Council of the said City may also, after submitting the same to and receiving the assent of the ratepayers qualified to vote on money by-laws pass a by-law or by-laws to authorize the issue of City of Toronto Consolidated Loan Debentures to such amount as may be required to raise a sum not exceeding \$150,000, in order to grant a sum of \$50,000 to each of the following hospitals, namely: St. Michael's Hospital, Grace Hospital and Western Hospital, as an aid to the special building fund of the said hospitals.

Debentures .
how payable.

5. For the purposes of the three preceding paragraphs, or any of them, the said Council may issue any
number

number of debentures, payable in this Province or elsewhere in sums of not less than \$100 each, which may be payable at any time within forty years from the respective dates thereof, with interest thereon in the meantime at a rate not exceeding four per cent. per annum, payable half-yearly, and for the purpose of redeeming such debentures and paying the interest thereunder the Council of the Corporation of the City of Toronto may, in any by-law or by-laws to be passed authorizing any such loan or loans, or any part thereof, and the issue of debentures therefor, impose a rate per annum upon all ratable property in the said municipality over and above and in addition to all other rates to be levied in each year, which shall be sufficient over and above the interest payable on such debentures to form a sinking fund to pay off the said debentures at maturity.

6. An agreement between the said City and the Toronto Hospital for Incurables, a copy of which is set out as Schedule "A" hereto, shall, so soon as a by-law is duly passed under section 2 hereof, be valid and binding on the parties thereto, and the said parties thereto are hereby empowered to do all acts provided for in the said agreement, or necessary to give effect to the same.

Agreement
with Hospital
validated.

7. Subsection 2 of section 9 of the Act passed in the forty-second year of the reign of Her late Majesty Queen Victoria and Chaptered 81, intituled *An Act to Incorporate the Industrial Exhibition Association of Toronto*, as re-enacted by the Act passed in the fifth year of the reign of His present Majesty, Chaptered 114, section 2, is amended by adding at the end thereof the words: "Provided, however, that in case of a vacancy occurring by reason of any of the above mentioned causes amongst the directors appointed by the said City Council, the Council may appoint one of its members to supply such vacancy for the remainder of the year."

42 Vic., c. 81,
Sec. 9, Sub-s. 2
as re-enacted
by 5 Edw. VII.,
c. 114, s. 2,
amended.

8. The by-laws of the Corporation of the City of Toronto specified in Schedule "B" hereto, and all debentures issued or to be issued thereunder, and all assessments made or to be made and rates levied or to be levied for the payment thereof, are hereby validated and confirmed.

Debenture
by-laws
validated.

9. Notwithstanding the provisions of *The Public Health Act*, the lands in the said city described as "all and singular that certain parcel or tract of land and premises, being composed of part of Riverdale Park in said city, and described in By-laws Nos. 2,761 and 4,213 of the Corporation of the City of Toronto, and which may be more particularly described as follows, that is to say: commencing at the northeasterly angle of the present Isolation Hospital lands,

Use of portion
of Riverdale
Park for
Hospital for
minor con-
tagious
diseases.

lands, as described in section 5 of the Act passed in the sixty-second year of the reign of Her late Majesty Queen Victoria and Chaptered 85; thence northerly along 'the production northerly of the easterly limit of said lands, one hundred feet; thence westerly parallel with the southerly limit of said Park according to said By-law No. 2,761, two hundred and thirty feet; thence southerly along the production northerly of the westerly limit of said hospital lands, one hundred feet to the northwesterly angle thereof; thence easterly along the northerly limit of said hospital lands, two hundred and thirty feet to the place of beginning," may be used by the said city as a site for a hospital for cases of measles and other minor contagious diseases, and for that purpose the said land is hereby removed from the dedication by said By-laws Nos. 2,761 and 4,213 of the lands thereby included in a public park.

Power to remit portion of special rate for Dundas Street sewer.

10. The Council of the said City may, by a two-thirds vote of all the members thereof, pass a by-law to remit or refund a portion of the special rate imposed for the construction of the sewer on Dundas Street between Bloor Street and Conduit Street, and may provide the amount of all rates so remitted or refunded by including the same in the estimates and taxes for the year.

SCHEDULE "A."

Memorandum of Agreement made this twenty-eighth day of October, one thousand nine hundred and seven, between Toronto Hospital for Incurables (hereinafter called the Hospital) of the first part, and The Corporation of the City of Toronto (hereinafter called the City), of the second part.

Whereas the Hospital has requested the City to make a grant to it of fifty thousand dollars to build an addition to the hospital, and has agreed to certain terms in case such grant is made, and it is desirable to embody the same in this memorandum;

Therefore this agreement witnesseth that if the City obtains power to grant and does grant the sum of fifty thousand dollars to the Hospital, the Hospital will forthwith thereafter expend the same in building an addition to the Hospital to meet the demand for increased accommodation, and the Hospital will accept and make proper provision for at least fifty patients who may be within the class at present admitted by the Hospital and who may be pronounced incurable patients by the Medical Health Officer of the said City, and sent in to the Hospital upon the order of the said Medical Health Officer, such patients to observe the rules of the Hospital now in existence which have been made, and also such other rules as may from time to time be made for the purpose of regulating, governing and maintaining discipline therein.

It is understood that the above mentioned grant does not include any payment for maintenance of City patients in the said Hospital, but the Hospital shall be entitled to receive and the City shall pay for the maintenance of each City patient sent in on the order of the Medical Health Officer for the time being, or other officer appointed for that purpose, not more than one-half the cost of the

per

per diem maintenance paid to any of the hospitals of the City as fixed from year to year.

In witness whereof the parties hereto have hereunto set their corporate seals and the hands of their proper officers.

Signed, sealed and delivered
in the presence of

"I. T. MacKAY,"

"AMBROSE KENT,"
President

(Seal of Hospital.)

"E. COATSWORTH,"
Mayor.

"R. T. COADY,"
Treasurer.

(City Seal.)

SCHEDULE "B."

| No. of By-law. | Nature of work under By-law. | When passed by Council. | Total cost of work. | | Amount to be borne by city. | | Amount to be borne by ratepayers. | | Period of pay-ment. | Rate of interest. |
|----------------|--|-------------------------|---------------------|----|-----------------------------|----|-----------------------------------|----|---------------------|-------------------|
| | | | \$ | c. | \$ | c. | \$ | c. | | |
| 4,862 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain asphalt pavements constructed in the year 1906. | Mar. 11, '07 | 117,578 | 06 | 31,759 | 66 | 85,818 | 40 | 10 | 3½ |
| 4,863 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain asphalt pavements constructed in the year 1906. | " | 84,382 | 20 | 19,972 | 40 | 64,409 | 80 | 10 | 3½ |
| 4,864 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain bitulithic pavements constructed in the year 1906. | " | 27,309 | 23 | 6,126 | 53 | 21,182 | 70 | 10 | 3½ |
| 4,865 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain bitulithic pavements constructed in the year 1906. | " | 40,173 | 97 | 12,443 | 57 | 27,730 | 40 | 10 | 3½ |
| 4,866 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain brick pavements constructed in the year 1906. | " | 9,266 | 09 | 3,144 | 78 | 6,121 | 31 | 10 | 3½ |
| 4,867 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain sewers constructed in the year 1906. | " | 16,030 | 04 | 1,330 | 00 | 14,700 | 04 | 10 | 3½ |
| 4,868 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain sewers constructed in the year 1906. | " | 62,302 | 23 | 11,340 | 79 | 50,961 | 44 | 10 | 3½ |
| 4,869 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete curbings constructed in the year 1906. | " | 1,307 | 71 | 387 | 65 | 920 | 06 | 10 | 3½ |
| 4,870 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1906. | " | 16,423 | 21 | 3,529 | 71 | 12,893 | 50 | 10 | 3½ |
| 4,871 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1906. | " | 3,374 | 84 | 454 | 93 | 2,919 | 91 | 10 | 3½ |

SCHEDULE "B."—Continued.

| No. of By-law. | Nature of work under By-law. | When passed by Council. | Total cost of work. | Amount to be borne by City. | Amount to be borne by ratepayers. | Period of payment. | Rate of Interest. |
|----------------|---|-------------------------|---------------------|-----------------------------|-----------------------------------|--------------------|-------------------|
| | | | \$ c. | \$ c. | \$ c. | | |
| 4,872 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1906. | Mar. 11, '07 | 63,154 40 | 10,510 41 | 52,643 99 | 10 | 3½ |
| 4,873 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1906. | " | 53,314 64 | 8,601 67 | 44,712 97 | 10 | 3½ |
| 4,874 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain plank sidewalks constructed in the year 1906. | " | 3,217 21 | 563 07 | 2,654 14 | 3 | 3½ |
| 4,875 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain asphalt pavements constructed in the year 1906. | Mar. 25, '07 | 142,517 02 | 35,832 92 | 106,684 10 | 10 | 3½ |
| 4,876 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain bitulithic pavements constructed in the year 1906. | " | 27,428 08 | 6,141 58 | 21,286 50 | 10 | 3½ |
| 4,877 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain brick pavements constructed in the year 1906. | " | 4,782 38 | 2,117 38 | 2,665 00 | 10 | 3½ |
| 4,878 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain macadam pavements constructed in the year 1906. | " | 4,972 86 | 1,218 76 | 3,754 10 | various | 3½ |
| 4,879 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain cedar block pavements constructed in the year 1906. | " | 24,650 64 | 6,800 04 | 17,850 60 | 5 | 3½ |
| 4,880 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete pavements constructed in the year 1906. | " | 4,253 38 | 1,436 58 | 2,816 80 | 10 | 3½ |

SCHEDULE "B."—Continued.

| No. of By-law. | Nature of work under By-law. | When passed by Council. | Total cost of work. | | Amount to be borne by city. | | Amount to be borne by ratepayers. | | Period of payment. | Rate of interest. |
|----------------|---|-------------------------|---------------------|----|-----------------------------|----|-----------------------------------|----|--------------------|-------------------|
| | | | \$ | c. | \$ | c. | \$ | c. | | |
| 4,881 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete curbings constructed in the year 1906. | Mar. 25, '07 | 4,534 | 19 | 1,763 | 79 | 2,770 | 40 | various | 3½ |
| 4,882 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1906. | " | 46,398 | 55 | 8,438 | 84 | 37,959 | 71 | 10 | 3½ |
| 4,883 | Local Improvement Debentures to defray the ratepayer's share of the cost of certain concrete sidewalks constructed in the year 1906. | " | 30,185 | 97 | 5,458 | 85 | 24,727 | 12 | 10 | 3½ |
| 4,884 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1906. | " | 29,866 | 89 | 6,363 | 35 | 23,503 | 54 | 10 | 3½ |
| 4,885 | Local Improvement Debentures to defray the ratepayers' share of the cost of certain sewers constructed in the year 1906. | " | 49,499 | 83 | 16,971 | 88 | 32,527 | 95 | 10 | 3½ |
| 4,887 | General Consolidated Loan Debentures for purchasing parks and play grounds, and making permanent improvements thereon | " | 184,632 | 00 | 184,632 | 00 | | | 37 | 3½ |
| 4,903 | Opening an extension of Wolfrey ave., from its present easterly limit west of Bowden avenue, easterly to connect with Wolfrey avenue, east of Hampton avenue. | April 8, 1907 | 4,860 | 81 | | | 4,860 | 81 | 10 | 3½ |
| 4,904 | Extension of Catherine street from its present westerly end to Spadina avenue. | " | 5,139 | 79 | 500 | 00 | 4,639 | 79 | 10 | 3½ |
| 4,905 | Straightening of Manning avenue through to Robinson street. | " | 611 | 86 | | | 611 | 86 | 10 | 3½ |
| 4,906 | Opening of a lane off Fern avenue. | " | 355 | 95 | | | 355 | 95 | 3 | 3½ |
| 4,907 | Opening of two lanes running westerly off Margueretta street. | " | 680 | 74 | | | 680 | 74 | 3 | 3½ |
| 4,908 | Sewer on Adelaide street, between Bay street and York street. | " | 4,081 | 35 | 200 | 00 | 3,881 | 35 | 10 | 3½ |
| 4,909 | Asphalt block pavement on Millstone lane, between York street and its east end. | " | 2,587 | 84 | 532 | 84 | 2,055 | 00 | 10 | 3½ |

SCHEDULE "B."—Continued.

| No. of By-law. | Nature of work under By-law. | When passed by Council. | Total cost of work. | | Amount to be borne by city. | | Amount to be borne by ratepayers. | | Period of payment. | Rate of interest. |
|----------------|--|-------------------------|---------------------|----|-----------------------------|----|-----------------------------------|----|--------------------|-------------------|
| | | | \$ | c. | \$ | c. | \$ | c. | | |
| 4,910 | Bitulithic pavement on Cottingham street, between Avenue road and a point 617 feet east..... | April 8, 1907 | 5,032 | 73 | 883 | 03 | 4,149 | 70 | 10 | 3½ |
| 4,911 | Bituminous Macadam pavement on St. Clarens avenue, between Wyndham street and Dundas street..... | " | 5,487 | 81 | 1,940 | 71 | 3,547 | 10 | 10 | 3½ |
| 4,912 | Macadam pavement on Dufferin street, between Bloor street and the north city limits..... | " | 12,500 | 23 | 2,400 | 23 | 10,100 | 00 | 5 | 3½ |
| 4,913 | Macadam pavement on Davenport road, between a point distant 636 feet west of Avenue road and Dupont street..... | " | 4,417 | 67 | 1,078 | 27 | 3,339 | 40 | 3 | 3½ |
| 4,914 | Tar Macadam pavements on Tiverton avenue, South avenue and West avenue..... | " | 1,617 | 38 | 687 | 38 | 930 | 00 | 5 | 3½ |
| 4,915 | Brick pavement on Argyle street, between Dundas street and Dovercourt road..... | " | 6,830 | 96 | 1,240 | 96 | 5,590 | 00 | 10 | 3½ |
| 4,916 | Cedar block pavement on Shirley street, between Brock avenue and St. Clarens avenue..... | " | 1,844 | 68 | 738 | 28 | 1,106 | 40 | 5 | 3½ |
| 4,917 | Concrete curbing on the east side of McMurrich street, between Davenport road and Belmont street..... | " | 585 | 77 | 145 | 27 | 440 | 50 | 10 | 3½ |
| 4,918 | Stone curbing on the east side of John street, between King street and Grange road..... | " | 563 | 98 | 157 | 98 | 406 | 00 | 3 | 3½ |
| 4,919 | Concrete sidewalk on the north side of Spruce street, between Sunach street and a point 139 feet east of Gifford street..... | " | 305 | 43 | 59 | 23 | 246 | 20 | 10 | 3½ |
| 4,920 | Concrete sidewalk on the south side of St. James avenue, between Parliament street and Rose avenue..... | " | 443 | 17 | 24 | 77 | 418 | 40 | 10 | 3½ |
| 4,921 | Concrete sidewalk on the north side of Mullock avenue, between Church street and the west end of Mullock avenue..... | " | 437 | 13 | 43 | 73 | 393 | 40 | 10 | 3½ |
| 4,922 | Concrete sidewalk on the west side of Teraulay street, between Albert street and Walton street..... | " | 1,302 | 68 | 275 | 28 | 1,027 | 40 | 10 | 3½ |

SCHEDULE "B."—Continued.

| No. of By-law. | Nature of work under By-law. | When passed by Council. | Total cost of work. | | Amount to be borne by city. | | Amount to be borne by ratepayers. | | Period of payment. | Rate of interest. |
|----------------|--|-------------------------|---------------------|----|-----------------------------|----|-----------------------------------|----|--------------------|-------------------|
| | | | \$ | c. | \$ | c. | \$ | c. | | |
| 4,923 | Local Improvement of Debentures to defray the ratepayers' share of the cost of certain concrete sidewalks constructed in the year 1906..... | April 22, 1907 | 2,323 | 46 | 116 | 20 | 2,207 | 26 | 10 | 3½ |
| 4,924 | Local Improvement of Debentures to defray the ratepayers' share of the cost of certain concrete curbing constructed in the year 1906..... | " | 1,211 | 86 | 261 | 36 | 950 | 50 | various | 3½ |
| 4,925 | Extension of Jersey avenue from its present southerly terminus, southerly to the south limit of Evans avenue..... | " | 799 | 11 | | | 799 | 11 | 10 | 3½ |
| 4,926 | Opening of a lane extending to the north side of Duchess street, northerly to the west limit of Ontario place..... | " | 1,033 | 47 | | | 1,033 | 47 | 10 | 3½ |
| 4,927 | Opening of a lane running south off Churchill avenue..... | " | 468 | 17 | | | 468 | 17 | 5 | 3½ |
| 4,928 | Grading on Grace street, between a point 994 feet north of the north-east corner of College and Grace streets, and a point 500 feet further north..... | " | 1,117 | 68 | | | 1,117 | 68 | 5 | 3½ |
| 4,929 | Brick pavement on the first lane west of Simcoe street, between Nelson street and Richmond street..... | " | 908 | 98 | 365 | 18 | 543 | 80 | 10 | 3½ |
| 4,930 | Concrete sidewalk on the north side of Dale avenue, between Glen road and Maple avenue..... | " | 674 | 93 | 112 | 63 | 562 | 30 | 10 | 3½ |
| 4,931 | Concrete sidewalk on the north side of Gibson avenue, between Yonge street and the west end of Gibson avenue..... | " | 340 | 74 | 58 | 34 | 282 | 40 | 10 | 3½ |
| 4,940 | General Consolidated Loan Debentures to meet the cost of certain permanent improvements..... | May 13, '07 | 514,828 | 00 | 514,828 | 00 | | | 38 | 3½ |
| 4,954 | General Consolidated Loan Debentures for enlarging and reconstructing certain public schools..... | June 10, '07 | 222,986 | 00 | 222,986 | 00 | | | 37 | 3½ |
| 4,955 | General Consolidated Loan Debentures for acquiring a site and constructing a new Technical high school..... | " | 310,628 | 00 | 310,628 | 00 | | | 37 | 3½ |

SCHEDULE "B."—*Concluded.*

| No. of By-law. | Nature of work under By-law. | When passed by Council. | Total cost of work. | | Amount to be borne by city. | | Amount to be borne by ratepayers. | | Period of payment. | Rate of interest. |
|----------------|--|------------------------------|---------------------|----------|-----------------------------|----------|-----------------------------------|----|--------------------|-------------------|
| | | | \$ | c. | \$ | c. | \$ | c. | | |
| 4,956 | Local Improvement Debentures consolidating broken amounts being the ratepayers' share named in certain local improvement by-laws. | June 10, '07 | 720,959 | 17 | | | 720,959 | 17 | various. | 3½ |
| 4,957 | Local Improvement Debentures consolidating the city's proportion of the amounts named in certain local improvement by-laws. | " | 214,530 | 81 | 214,530 | 81 | | | various. | 3½ |
| 4,982 | General Consolidated Loan Debentures for the improvement of the city waterworks. | | | | | | | | | |
| 5,000 | Debentures on the credit of taxes in arrear. | | | | | | | | | |
| 5,018 | General Consolidated Loan Debentures for constructing and repairing and enlarging certain public schools, and purchasing and enlarging school sites. | Oct. 14, '07 Nov. 25, '07 | 781,172 | 00 00 | 781,172 | 00 00 | | | 37 8 | 3½ 3½ |
| 5,023 | General Consolidated Loan Debentures for completing and improving certain high school sites and buildings. | Dec. 27, '07 | 251,566 | 00 | 251,566 | 00 | | | 37 | 3½ |
| 5,036 | Plant to distribute electric power to be supplied by Hydro-Electric Power Commission from Niagara Falls. | " | 34,054 | 00 | 34,054 | 00 | | | 37 | 3½ |
| | | Jan. 27, '08 | 2,750,000 | 00 | 2,750,000 | 00 | | | 40 | 4 |

CHAPTER 113.

An Act respecting the Town of Trenton.

Assented to 14th April, 1908.

Preamble.

WHEREAS the Municipal Corporation of the Town of Trenton and the Central Ontario Railway Company have by their petition represented that By-law No. 939 of the said Town set out in Schedule "A" hereto, fixing the assessment of all the property of the said Company in the the said Town was unanimously passed by the Council of the said Town, and that a large part of the lands affected are marsh lands and of little value, and that the said company has agreed to reclaim the said lands and to erect certain buildings and shops thereon, and to equip and operate the same during the present or following year; and whereas it is desirable to confirm the said by-law; and whereas the said Corporation has further represented that it was authorized to pass by-laws from time to time providing for the issue of debentures up to \$53,267.34 by the Act passed in the sixth year of His Majesty's reign, Chaptered 100, and that debentures for \$25,000 only have been issued up to date; that owing to the rate of interest being limited to 4 per cent. by the said Act the debentures issued were sold at a loss, and it is desirable in the interests of the Town that the debentures yet to be issued should bear interest at the rate of 5 per cent. instead of 4 per cent.; and whereas the said Corporation has prayed that an Act may be passed for the said purposes and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 939 confirmed.

1. By-law No. 939 of the Town of Trenton set out in Schedule "A" hereto is confirmed and declared to be legal, valid and binding upon the said Corporation and the said company.

2.

2. Section 4 of the Act passed in the sixth year of His Majesty's reign, Chaptered 100, is amended by striking out the word "four" in the seventh line of the said section and substituting therefor the word "five." Provided, however, that the amendment hereby made shall only apply to debentures which may hereafter be issued under the authority of the said Act.

6 Edw., VII, c.
100, s. 4,
amended.

SCHEDULE "A."

BY-LAW No. 939.

A By-law to fix the assessment of the property of the Central Ontario Railway, situate within the limits of the Town of Trenton, as the basis of taxation for Municipal and School purposes, for a certain term of years upon certain conditions and consideration.

Whereas the Central Ontario Railway has petitioned the Municipal Council of the Town of Trenton to fix the amount at which its properties, within the said town, and hereinafter designed, shall be assessed as the basis of municipal and school taxes only in each year, for a period of eleven years, and, in consideration of the same being done by by-law in that behalf, the said Central Ontario Railway will proceed with all reasonable despatch, within the present year, and after the passing of such by-law, or within the following year, proceed to erect and equip freight sheds, on a certain part of such properties and on certain other parts of its said properties to build and equip a new round house, machine shop, repair shop, and car shops, together with all other buildings incident to the operation of its said Railway and in any wise appurtenant to said shops, and so soon as such improvements permit will proceed to operate and use the same in connection with said Railway and employ additional hands as the case requires;

And whereas the said Municipal Council has favourably considered said proposition and proposes to pass a by-law fixing the amount of assessment as aforesaid:—

And whereas the said Central Ontario Railway and the said Municipal Corporation have mutually agreed as follows:—

(a) That the said assessment shall be fixed at \$30,000, and so remain as the basis of said Railway's taxation for municipal and school taxes only, for each year in said period of eleven years, commencing on the first day of January, 1909, and running thenceforth for eleven successive years;

(b) That the said The Central Ontario Railway shall in good faith undertake and actually erect, build, equip, and operate said freight sheds, round house, machine shop, and other shops as aforesaid and buildings within the present year or in the following year after the passing of said by-law.

(c) That the said Municipal Council shall duly pass a by-law embodying said agreement in substance, as aforesaid, and securing to said The Central Ontario Railway and its assigns the said fixed assessment as the basis of its yearly taxation for municipal and school purposes only, and not for local improvements or water or other rates for said period and for each year thereof;

(d) That the said The Central Ontario Railway shall join with said Municipal Corporation in procuring an Act legalizing and confirming said by-law, as is partially set forth in the foregoing recitals, and will bear all the expense in connection therewith,

namely

namely, petitions, printing notices, advertising, *Gazette* and Government fees, and cost of conducting said Bill or Act through its various stages in the Legislative Assembly of the Province of Ontario at its present Session;

(e) That the said Railway and said Municipal Corporation admit that the Schedule hereto annexed marked "A," shows all the properties and their improvements owned by the said Railway within the said town that are contemplated in the said agreement and said by-law;

Therefore in consideration of the premises the Municipal Corporation of the Town of Trenton, enacts as follows:—

1. That the assessment of all the properties of The Central Ontario Railway, situate within the said town, liable for municipal and school taxes, shall be and is hereby fixed at the sum of \$30,000, as the basis for taxation for municipal and school taxes (but not local improvements or water rates), for each year during the period of eleven years from and including the first day of January, 1909—and which municipal and school taxes in each of said years shall be computed on said \$30,000 at such rates as are lawfully fixed in each of said years therefor.

2. That the properties upon and in respect to which said fixed assessment is made are those designated in the Schedule hereto annexed and marked "A."

3. That said assessment of \$30,000 is so fixed and shall remain so fixed for and during each year of said eleven years, provided the said improvements to be made as aforesaid by said The Central Ontario Railway are actually and in good faith made.

4. That this by-law shall come into force and take effect immediately after the passing thereof, and shall be confirmed and legalized by an Act of the Provincial Legislature of the Province of Ontario, at its present Session, couched in apt words for that purpose.

Read a second time and passed in Committee of the whole Council this 5th day of February, 1908.

J. S. DENCH,
Chairman of said Committee.
J. FUNNELL,
Mayor.
G. W. OSTROM,
Town Clerk.

SCHEDULE "A," PART OF BY-LAW No. 939.

| | |
|--|------------|
| 1. Right of Way over lots through the Town | 7.88 acres |
| 2. Part Lots 10 and 12 E. Dufferin Ave. (Dock prop.) | 2.17 " |
| 3. Part Lot 11 E. Dufferin Ave. (Car Barn) | 1.02 " |
| 4. Lots 1 to 12 E. Division Street and 2 to 12 W. Stewart Street (Station Grounds) | 4.60 " |
| 5. Part Lots 6 and 7 E. Stanley Street (Stock Yard) | .14 " |
| 6. Block G. (Ballast Pit Lot) | 21.00 " |
| 7. Part Lots 52 to 57 Front and Stanley St. (Hennessy Lots) | .79 " |
| Total | 37.60 " |

CHAPTER 114.

An Act respecting the Town of Uxbridge.

Assented to 14th April, 1908.

WHEREAS the Municipal Corporation of the Town of Uxbridge has by petition represented that the plant of the Uxbridge Piano and Organ Company, Limited, was destroyed by fire in the month of August, 1907, and the said Corporation entered into an agreement with the Palmer Piano Company, Limited, of Toronto, to loan the said Company the proceeds of debentures having a face value of \$25,000.00 wherewith to purchase a site, erect a brick building, and equip same, in order that the employees of the old Company should not be obliged to leave home and seek employment elsewhere; and whereas the said By-law No. 514, set out in Schedule "A" hereto, was submitted to the duly qualified ratepayers on Friday, the 4th day of October, 1907, when out of 395 ratepayers entitled to vote, 322 voted for the by-law, and 1 against the same; and whereas advances have been made on the security of the said debentures and the solid brick main building (200x50 ft., three storeys) is nearing completion; and whereas it is desirable that the said by-law should be confirmed; and whereas the said petition further represents that a number of debentures have matured, amounting to \$8,500, and a number of others are about to mature as follows:—\$9,000 Railway Bonus Debentures, which will mature in December, 1908; \$6,000 Piano Company Debentures which will mature in December, 1909, and that it is desirable to consolidate and renew said debentures; and whereas the said petition further represents that the present electric light plant in the Town of Uxbridge is inefficient and unsatisfactory, and that the capacity of the present plant will not allow any more extensions for house lighting, and that citizens who have requested the installation of lights have been refused owing to the want of power in the existing plant, and that the town possesses a water power of its own and could at a very small expense establish an electrical plant of its own which would be far more economical and efficient than the present arrangement; and whereas the owners

owners of the present electric light plant in the said town have assented to the provisions of Part III of this Act; and whereas, subject to the provisions hereinafter contained, it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PART I.

By-law No. 514 of Town of Uxbridge and agreement with Palmer Piano Co. confirmed.

1.—(1) Subject to the provisions of subsection (2) By-law No. 514 of the Municipal Corporation of the Town of Uxbridge set forth in Schedule "A" to this Act is hereby confirmed and declared legal and binding upon the said Municipal Corporation and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of the said Municipality to pass the by-law and notwithstanding any defect in substance or in form of the said by-law, or in the manner of passing the same, and the agreement referred to and made a part of said by-law is ratified and confirmed, and the said Corporation of the Town of Uxbridge is hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said by-law and agreement.

Assessment for school purposes and local improvements.

(2) Notwithstanding anything contained in the said By-law No. 514, the property of the said Company shall for school purposes and local improvements be assessed and liable to taxation in all respects as though the said by-law had not been passed.

PART II.

Authority to borrow \$23,500 by issue of debentures.

2. It shall be lawful for the said Corporation of the Town of Uxbridge to raise by way of loan on the credit of the debentures of the said Corporation, from any person or persons, bodies or bodies corporate, the sum of \$23,500, to run for a period not exceeding thirty years from the date of the issue thereof, and to bear interest at five per cent. per annum.

Place of payment.

3. The said debentures shall be made payable at such place or places as the Municipal Council of the said Corporation may by by-law direct.

Term and manner of payment of principal and interest.

4. The said debentures to be issued under this Part shall be made payable in each year for a period not exceeding thirty years from the date of the issue thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest, during each of the other years of the period within which the debt is to be discharged.

5. The said Corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the said debentures hereinbefore authorized, and it shall not be necessary to levy for, or to provide, any sinking fund to retire the said debentures or any of them.

Special annual rate.

6. The said debentures and all moneys arising therefrom shall be applied by the said Corporation in the repayment of the debentures which have matured and which will mature in 1908 and 1909 as set out in the preamble to this Act amounting to \$23,500, and for no other purposes whatsoever.

Application of proceeds of debentures.

7. Any by-law passed under the provisions of this Part shall not be repealed until the debt created thereunder, and the interest thereon, shall have been fully paid and satisfied.

By-law not to be repealed until debt satisfied.

8. It shall not be necessary to obtain the assent of the electors of the said Town of Uxbridge to the passing of any by-law which shall be passed under the provisions of this Part, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*.

Assent of ratepayers not required.

9. It shall be the duty of the treasurer from time to time of the said town to keep, and it shall be the duty of each of the members from time to time of the said Municipal Council, to procure such Treasurer to keep and see that he does keep a proper book of account setting forth a full and particular statement, so that the same shall at all times, show the number of debentures which from time to time shall be issued under the powers conferred by this Part, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which may from time to time be made of the said amounts, and the said book of account and statement shall at all times, and at all reasonable hours, be open to the inspection of any ratepayer of the said Town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

Treasurer to keep proper books of account.

10. Any provisions in *The Consolidated Municipal Act, 1903*, which are or may be inconsistent with the provisions of this Part, or any of them, shall not apply to the by-law or by-laws to be passed by the said Corporation under the provisions of this Part, and no irregularity in the form of the

Inconsistent provisions not to apply.

the said debentures or any of them authorized to be issued by this Part, or any by-law of by-laws authorizing the issue thereof shall render the same invalid or illegal, or to be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof.

PART III.

Authority to purchase electric light plant.

11. The Municipal Council of the Town of Uxbridge may pass a by-law or by-laws for the purchase of the present electric light plant, or, if satisfactory arrangements cannot be made with the present owner for the purchase of this plant, for the construction and operation of electric light works in the Town of Uxbridge, and for acquiring the necessary land, and for erecting thereon such buildings, plant and machinery as the said Council may deem necessary or desirable for the proper construction and operation of the said electric light plant, and for supplying electric light for lighting the streets and buildings situate within the limits of the said Corporation.

Issue of debentures to borrow \$10,000 authorized.

12. The Council of the said town may in and by any by-law passed under the preceding section or any by-law passed from time to time provide for issuing debentures payable in not more than 20 years and in equal annual instalments of principal and interest to an amount not exceeding in the whole the sum of \$10,000; the said debentures or the proceeds thereof to be applied to the purposes of the preceding section; provided that no such by-law shall be finally passed until the assent of the ratepayers qualified to vote on money by-laws has been obtained in accordance with the provisions of *The Consolidated Municipal Act, 1903*.

Certain provisions of 3 Edw. VII c. 19 not to apply.

13. To remove doubts it is declared that the clauses lettered *a* to *a9*, both inclusive, following paragraph 4 of section 566 of *The Consolidated Municipal Act, 1903*, do not apply to the Corporation of the Town of Uxbridge, nor to the Council thereof, and it shall not be necessary for the Council of the said Town before passing any by-law under sections 11 and 12, or issuing debentures thereunder to fix any price to be offered to any electric light company supplying, or which has heretofore supplied light in the Town of Uxbridge, or to take any further or other proceedings having for their object the fixing of a price to be paid by the said Municipal Corporation for the works and plant of any such Company or any part thereof, or the purchase or expropriation of such works or plant or any part thereof by the said Municipal Corporation.

14. Save as aforesaid, all the provisions of *The Consolidated Municipal Act, 1903*, applicable to municipal by-laws for constructing electric light works and for issuing of debentures for that purpose shall apply to any by-law to be passed under the provisions of this Part, and to the debentures to be issued under any such by-law.

Application of
3 Edw. VII, c. 19.

SCHEDULE "A."

BY-LAW NUMBER 514.

A By-law, to raise by way of loan, the sum of twenty-five thousand dollars to the Palmer Piano Company, Limited, for the purchase of a building site, and the erection thereon, of suitable buildings, and the equipment thereof with suitable machinery for the carrying on of the business of manufacturing pianos and organs within the limits of the Corporation of the Town of Uxbridge.

Whereas, it is desirable to loan to the Palmer Piano Company, Limited, the sum of twenty-five thousand dollars, or so much of said sum as may be necessary to purchase a site and erect suitable buildings thereon, and equip the same with the necessary machinery for carrying on the said business upon the security of a first mortgage upon the lands, premises, machinery and plant of the said Palmer Company to be purchased, erected and equipped by them with the proceeds of the said loan on the terms and conditions set out in the agreement entered into between the Corporation of the Town of Uxbridge, and the said Palmer Company, Limited, a copy of which agreement is set out in Schedule A to this By-law.

And whereas, for the said purpose it is necessary to create a debt to the extent of twenty-five thousand dollars, and to issue debentures therefor in the manner hereinafter mentioned;

And whereas, eighteen hundred and thirty-nine and 54-100 dollars, is the total amount required to be raised annually by special rate for the period of twenty years for paying the said debt and interest thereon at four per cent. per annum in instalments, according to the terms of this By-law, so that the aggregate amount payable for principal and interest in each year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years for such period;

And whereas, the amount of the whole rateable property of the Town of Uxbridge, according to the last revised assessment roll is \$499,340.00;

And whereas, the amount of the existing debt of the Town of Uxbridge, is \$45,601.55, and there is no part of the interest of the said existing debt in arrear;

And whereas, there are \$9,400.00 of the principal of the said existing debt matured;

Therefore, the Municipal Council of the Corporation of the Town of Uxbridge, enacts as follows:—

1. That for the purposes aforesaid it shall be lawful for the Mayor and Treasurer of the Town of Uxbridge, and they are hereby authorized and required to cause debentures of the Town to be made, executed and issued to the amount of twenty-five thousand dollars, payable in twenty equal annual instalments of \$1,839.54, on the first day of November in each year for twenty years.

2. The said debentures shall bear interest at the rate of four per cent. per annum, payable yearly on the first day of November, in each year, during the currency of the said debentures, and shall have coupons attached for the payment of interest, and the debentures and coupons shall be made payable at the office of the Town Treasurer, and shall be for the amount, and shall be payable on the days and times following, that is to say:—

On

| On the First day of November, | 1908 | Principal. | Interest. | Total. |
|-------------------------------|------|-------------|-------------|-------------|
| do do | 1909 | \$839 54 | \$1,000 00 | \$1,839 54 |
| do do | 1910 | 873 12 | 966 42 | 1,839 54 |
| do do | 1911 | 908 05 | 931 49 | 1,839 54 |
| do do | 1912 | 944 37 | 895 17 | 1,839 54 |
| do do | 1913 | 982 15 | 857 39 | 1,839 54 |
| do do | 1914 | 1,021 44 | 818 10 | 1,839 54 |
| do do | 1915 | 1,062 29 | 777 25 | 1,839 54 |
| do do | 1916 | 1,104 78 | 734 76 | 1,839 54 |
| do do | 1917 | 1,148 98 | 690 56 | 1,839 54 |
| do do | 1918 | 1,194 93 | 644 61 | 1,839 54 |
| do do | 1919 | 1,242 73 | 596 81 | 1,839 54 |
| do do | 1920 | 1,292 44 | 547 10 | 1,839 54 |
| do do | 1921 | 1,344 14 | 495 40 | 1,839 54 |
| do do | 1922 | 1,397 90 | 441 64 | 1,839 54 |
| do do | 1923 | 1,453 82 | 385 72 | 1,839 54 |
| do do | 1924 | 1,511 97 | 327 57 | 1,839 54 |
| do do | 1925 | 1,572 45 | 267 09 | 1,839 54 |
| do do | 1926 | 1,635 35 | 204 19 | 1,839 54 |
| do do | 1927 | 1,700 76 | 138 78 | 1,839 54 |
| do do | 1927 | 1,768 79 | 70 75 | 1,839 54 |
| Total | | \$25,000 00 | \$11,790 80 | \$36,790 80 |

3. The proceeds of said debentures shall be applied in manner following, that is to say:—

To be expended as a loan to the Palmer Piano Company, Limited, under the said agreement.

4. To provide for the payment of the said sum of twenty-five thousand dollars and interest thereon as aforesaid, the sum of \$1,839.54 shall be levied and raised annually for a period of twenty years, commencing with the year 1908, by special rate sufficient therefor on all the rateable property of the Town of Uxbridge. Provided, however, that the moneys payable by the said Palmer Company, Limited, under the said mortgage shall be applied in payment of the said debentures, and it shall not be necessary to levy said rate in any year in which said Company shall make its payment, and the town has from that source sufficient money in hand to pay said debentures coming due that year, and if part is paid then it shall be necessary only to raise the balance by special rate.

5. That the assessed value of the lands, premises, machinery and plant of the said Palmer Company, Limited, shall be fixed at the sum of twenty thousand dollars and no more, during the period of ten years from the date of said loan to the said Company upon which assessment, only school rates and local improvement rates, shall be collectable.

6. That the votes of all electors in the Town of Uxbridge, entitled to vote thereon shall be taken on this By-law, on Friday, the 4th day of October, 1907, from nine o'clock in the forenoon until five o'clock in the afternoon of the same day, at the following places, and the following shall be the Deputy Returning Officers to take the votes at the respective places:

North Ward, Market Hall, Returning Officer, T. Boyd; H. DeGeer, Clerk.

West Ward, McGuire & Sons Store, Returning Officer, Wm. Jordan; Fred. McGuire, Clerk.

East Ward, Town Hall, Returning Officer, Geo. McGuire; Milton Gilroy, Clerk.

7. That the third day of October, 1907, at the Town Clerk's Office, in the Town of Uxbridge, at ten o'clock in the forenoon, is hereby fixed as the time and place for the appointment of persons to attend at the various polling places, and at the final summing up of the
votes

votes by the clerk, respectively, and on behalf of persons interested in, and promoting or opposing this By-law respectively.

8. That the fifth day of October, 1907, at the Town Clerk's Office, in the Town of Uxbridge, at twelve o'clock noon, is hereby fixed as the time and place when the Clerk of this council shall sum up the number of votes given for and against this By-law respectively.

9. That this By-law shall come into force and have effect from and after the passing thereof.

Passed this 14th day of October, 1907.

(Seal.) (Sgd.) M. H. CROSBY, Mayor.
(Sgd.) J. W. GOULD, Clerk.

Memorandum of Agreement, made this 11th day of September, 1907, between the Corporation of the Town of Uxbridge, hereinafter called "the Corporation," of the First Part, and The Palmer Piano Company, Limited, hereinafter called "the Company," of the Second Part.

Whereas, the Uxbridge Piano & Organ Company, Limited, have suffered a severe loss by fire;

And whereas, the Corporation is desirous of rendering substantial assistance to re-establish the business of manufacturing pianos and organs;

And whereas, the Company is willing to engage in the business of manufacturing pianos and organs upon the terms and conditions hereinafter set out.

Now therefore this agreement witnesseth that the said Corporation and the said Company covenant and agree one with the other as follows:—

1. The said corporation agrees to pass a By-law to be approved by the necessary number of ratepayers to issue debentures to the amount of twenty-five thousand dollars, and loan the proceeds thereof to the said Company upon the terms and conditions therein and hereinafter mentioned.

2. The said corporation further agrees that on the passing and approval by the ratepayers of the said By-law to issue debentures of the said corporation under the authority of the said By-law and Act so as to realise the proceeds thereof, and to advance by way of loan the proceeds of the twenty-five thousand dollars debentures (bearing interest at four per cent. per annum), to the said Company for a period of twenty years from the date of the issue of the said debentures. The said loan is to be repaid as follows: The principal and interest to be paid in twenty equal annual payments as follows, viz.:—

| | | Principal. | Interest. | Total. |
|--------|-----------------------------|------------|------------|------------|
| On the | First day of November, 1908 | \$839 54 | \$1,000 00 | \$1,839 54 |
| do | do 1909 | 873 12 | 966 42 | 1,839 54 |
| do | do 1910 | 908 05 | 931 49 | 1,839 54 |
| do | do 1911 | 944 37 | 895 17 | 1,839 54 |
| do | do 1912 | 982 15 | 857 39 | 1,839 54 |
| do | do 1913 | 1,021 44 | 818 10 | 1,839 54 |
| do | do 1914 | 1,062 29 | 777 25 | 1,839 54 |
| do | do 1915 | 1,104 78 | 734 76 | 1,839 54 |
| do | do 1916 | 1,148 98 | 690 56 | 1,839 54 |
| do | do 1917 | 1,194 93 | 644 61 | 1,839 54 |
| do | do 1918 | 1,242 73 | 596 81 | 1,839 54 |
| do | do 1919 | 1,292 44 | 547 10 | 1,839 54 |
| do | do 1920 | 1,344 14 | 495 40 | 1,839 54 |
| do | do 1921 | 1,397 90 | 441 64 | 1,839 54 |
| do | do 1922 | 1,453 82 | 385 72 | 1,839 54 |

On

| | | | | | | | |
|--------|-----------|----|-----------|------|----------|--------|----------|
| On the | First day | of | November, | 1923 | 1,511 97 | 327 57 | 1,839 54 |
| do | do | do | | 1924 | 1,572 45 | 267 09 | 1,839 54 |
| do | do | do | | 1925 | 1,635 35 | 204 19 | 1,839 54 |
| do | do | do | | 1926 | 1,700 76 | 188 78 | 1,839 54 |
| do | do | do | | 1927 | 1,768 79 | 70 75 | 1,839 54 |

| | | | |
|-------------|-------------|-------------|-------------|
| Total | \$25,000 00 | \$11,790 80 | \$36,790 80 |
|-------------|-------------|-------------|-------------|

3. The said Company on its part covenants and agrees with the said corporation as follows:—

(a) With the proceeds of the said loan to purchase at the earliest possible date, a building site within the limits of the corporation of the Town of Uxbridge, and thereon cause to be erected and equipped a brick or stone manufacturing building one hundred and fifty by fifty feet or such size or sizes as will supply thirty thousand square feet of floor space suitable in every particular, and to be of a permanent and substantial character for the manufacturing of pianos and organs, and completely and properly equipped with all necessary machinery and plant of latest approved designs for the working thereof as a going concern.

(b) The said piano and organ manufacturing building shall be erected and equipped and put in operation on or before 1st day of March, 1908, except in the event of strikes, tie-ups or causes entirely beyond the control of said Company, and in the event of the parties of the Second Part making default under this clause, the corporation shall be entitled immediately upon such default occurring to be re-imbursed by the said Company, the amount paid out by it in connection with all advances made on site, plant and building, and a sum not to exceed two hundred dollars for preparing, publishing and submitting this agreement and the by-laws in connection herewith, and issuing the debentures thereunder, and all other expenses incidental thereto.

(c) That the said Company shall well and truly repay to the said corporation the said loan of twenty-five thousand dollars in twenty equal annual payments as aforesaid.

(d) The said Company shall not carry on manufacturing operations during the term of the said loan elsewhere than at the Town of Uxbridge, and that their main business office shall also be located in the said town.

(e) That the said Company shall execute a first mortgage for the sum of twenty-five thousand dollars by way of loan, and being the face value of the debentures to be issued in pursuance of this agreement upon all their real estate buildings and factory erected or to be erected thereon, and all appurtenances thereto, together with all plant, machinery and appliances which may at any time be brought or put thereon which are to be declared and be and form part of the freehold; such mortgage to be conditioned for the repayment of the said loan in twenty equal annual instalments as above mentioned, and for the due performance of all the covenants and agreements herein contained on the part of the said Company to the said corporation as security for the said advance.

(f) That the said Company shall upon the loan being made forthwith, and thence during the whole of the said term, insure and keep insured in well established insurance companies its said factory, buildings and plant for a sum not less than twenty-four thousand dollars, or for a sum not less than the Company's full indebtedness to the corporation, and the loss, if any, to be payable to the said corporation as the interest of the said corporation may appear. In the event of fire the said corporation may require the proceeds of insurance policies so assigned as security to the corporation to be expended in repairing said loss.

(g) The said Company is to transfer all its machinery, fixtures, stock in trade, lumber, instruments, tools, etc., and all assets of which the balance sheet, on 31st December, 1906, shows an equity of

of forty-five thousand dollars used in their present business at the City of Toronto, and known as the Palmer Piano Company, Limited, to the Town of Uxbridge, so soon as the site and factory are erected and secured for its accommodation.

4. The said corporation is to allow the said Company a fixed permanent assessment of twenty thousand dollars for a period of ten years upon which school rates and local improvements are to be collected, and all other taxes remitted.

5. The said Company may prepay the said loan or any part thereof at any time.

6. The loan is to be advanced as a building loan and according as the work advances and progresses, and the money is only to be advanced on the certificate of the architect approved of by the Council.

7. The said Company agree to employ and keep employed during eleven months in every year, in connection with their business as aforesaid, at least fifty workmen, during the term of the said loan, and to expend in wages a minimum sum of thirty thousand dollars per annum after the first year. And the pay roll of the said Company is to be open for the inspection by any person appointed by the said corporation to inspect the same.

8. It is also agreed that the said mortgage to be given by the said Company shall, besides the usual clauses, contain a stipulation that if the said Industry shall cease operations for a period of six consecutive months, or if the terms and conditions herein contained are not fulfilled for a period of six consecutive months, the said mortgage shall at once become due and payable upon one month's notice.

9. This agreement shall extend to and be binding upon the successors and assigns of the parties of the Second Part.

10. Time shall be strictly of the essence of this agreement.

11. If special legislation be necessary to legalise this agreement and by-law, the said corporation agrees to apply for such legislation at the earliest possible date, and endeavour to have same passed by the Local Legislature at their own expense.

In witness whereof, the said parties hereto have hereunto affixed their hands and seals, the day and year first above written.

Signed, Sealed and
delivered in the
presence of

(Sgd.) S. S. SHARPE.

THE CORPORATION OF THE TOWN
OF UXBRIDGE,

(Sgd.) MARCUS CROSBY, *Mayor.*

(Sgd.) J. WALTER GOULD, *Clerk.*

THE PALMER PIANO COMPANY,
LIMITED,

(Sgd.) W. T. GILES, *President.*

CHAPTER 115.

An Act respecting the Town of Wallaceburg.

Assented to 14th April, 1908.

Preamble.

WHEREAS the Municipal Corporation of the Town of Wallaceburg has by petition represented that By-law No. 139, set out in Schedule "A" hereto, intituled a by-law to fix the assessment of the site, plant and business assessment of The Hawkins Milling Company, Limited, of the Town of Wallaceburg at the sum of \$5,000 for a period of ten years from the 1st day of May, 1907, was submitted to the duly qualified ratepayers on the 8th day of April, 1907, when out of 524 ratepayers entitled to vote, 325 voted for the said by-law and 3 against the same; and whereas in order to remove doubt, it is desirable that the said by-law should be confirmed; and whereas the said Corporation has further represented that owing to the provisions of the Act passed in the sixth year of His Majesty's reign, Chaptered 101, it is doubtful whether the Town has power to effect any local improvements in accordance with the provisions of *The Consolidated Municipal Act, 1903*, and that it is desirable that authority should be granted to the Town to effect certain local improvements as is hereinafter set out; and whereas the said Corporation has prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 139,
confirmed.

1. By-law No. 139 of the Municipal Corporation of the Town of Wallaceburg, set out in Schedule "A" hereto, is confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof and upon the said Company.

Authority to
construct local
improvements.

2. Notwithstanding anything contained in the Act passed in the sixth year of His Majesty's reign, Chaptered 101,
46a s. the

the said Corporation may pass by-laws under and in accordance with section 664 and the following sections of *The Consolidated Municipal Act, 1903*, for the purpose of constructing and laying down pavements as local improvements in the said Town, the whole or the greater part of the cost of which it is proposed to assess upon the real property specially benefited thereby.

<sup>3 Edw. VII.,
c. 19.</sup>

SCHEDULE "A."

BY-LAW No. 139.

A By-law to fix the assessment of the Site, Plant and Business Assessment of The Hawkins Milling Company, Limited, of the Town of Wallaceburg, at the sum of five thousand dollars for a period of ten years from the 1st day of May, 1907.

Whereas The Hawkins Milling Company, Limited, have requested the Municipal Council of the said Town of Wallaceburg to have a fixed assessment of five thousand dollars placed upon a site and plant, including business assessment of the said Company, to be used as a milling and grain elevator plant, and also the buildings placed thereon, for a period of ten years from the 1st day of May, 1907;

And whereas the site of the said The Hawkins Milling Company, Limited, shall consist of not more than one acre of land, and to be within the corporate limit of the Town of Wallaceburg;

And whereas the said Municipal Council deem it expedient to grant such request upon condition that the said Company will erect a plant costing not less than \$18,000, and will operate said plant at least nine months of each year of said ten years;

Now therefore be it enacted by the Municipal Council of the Corporation of the Town of Wallaceburg:—

1. That a fixed assessment of five thousand dollars be placed upon the site and plant of the said The Hawkins Milling Company, Limited, the said amount to include the business assessment of said Company for their mill, elevator, storehouses and offices for a period of ten years from the 1st day of May, 1907, subject to the condition that for a period of nine months in each year the said Company shall themselves actively operate said plant.

2. That if the said Company shall fail to comply with the above mentioned condition then this by-law shall cease to be effective.

3. That this by-law shall take effect on the 6th day of May, 1907.

4. That the votes of the qualified electors of the said Town of Wallaceburg shall take place on this by-law by ballot, pursuant to the provisions of *The Municipal Act*, on the 8th day of April, A.D. 1907, from the hour of nine o'clock in the forenoon until the hour of five o'clock in the afternoon of the same day, and at the following named places, and by the deputy returning officers herein specified:—

In St. James' Ward, at Harry Martin's shop; Harry Martin, Deputy Returning Officer.

In St. Andrew's Ward, at the Town Hall; N. H. Beattie, Deputy Returning Officer.

In St. George's Ward, at the Town Clerk's Office, H. E. Johnson, Deputy Returning Officer.

5. That the clerk of this municipality shall sum up the number of votes given for and against this by-law, at his office in Wallaceburg, on the 9th day of April, 1907, at the hour of eleven o'clock in the forenoon.

6. That the mayor of the said Town shall attend at the clerk's office on the 6th day of April, 1907, at the hour of eight o'clock in the afternoon, to appoint persons to attend at the various polling places, and at the final summing up of the votes by the said clerk respectively on behalf of the persons interested in promoting or opposing the passing of this by-law.

Finally passed after the assent of the requisite proportion of the ratepayers this 6th day of May, 1907.

(Sgd.) H. A. STONEHOUSE,
Mayor.

(Sgd.) H. E. JOHNSON,
Clerk.

(Seal).

CHAPTER 116.

An Act to confirm By-laws Nos. 240, 246, 264
and 291 of the Town of Welland.

Assented to 14th April, 1908.

WHEREAS the Municipal Corporation of the Town of Welland has by its petition represented that By-laws numbers 240, 246, 264 and 291 have been duly and regularly passed by the Council of the said Municipality for the doing of certain local improvement works and the extension of the water works system in the said municipality, and that debentures of the said Corporation have been issued under and by virtue of the provisions contained in said by-laws, which debentures have been offered for sale by public competition; and whereas said By-law No. 246 was submitted to the ratepayers of the Town of Welland, and the number of persons entitled to vote on said by-law was 522, and the number of persons voting for said by-law was 376, and the number of persons voting against the said by-law was 20; and whereas doubts have arisen as to the legality of said by-laws, and of the debentures issued thereunder; and whereas the said Municipal Corporation has by its petition prayed that an Act may be passed to legalize and confirm the said by-laws, and the debentures issued thereunder, and no opposition has been offered to the prayer of the said petition; and whereas a large number of hands will be employed in the proposed industrial plants which will be of great advantage to the said town; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-laws numbers 240 and 291, particulars of which are set out in Schedules "A" and "B" hereto, and By-law number 246 set out in Schedule "C" hereto, of the Corporation of the Town of Welland and all debentures issued, or to be issued thereunder, and all the levies

Confirmation
of certain
by-laws.

levies

levies and assessments therein made for payment thereof are confirmed and declared to be legal, valid and binding upon the said Corporation, and the ratepayers thereof, and upon all parties effected thereby, notwithstanding any want of jurisdiction on the part of the Council of said Municipality to pass said by-laws, and notwithstanding any defect in substance or form of the said by-law, or in the manner of passing the same, and it is hereby declared that the making of such levies and assessments is within the power of the said Municipal Council notwithstanding anything in *The Consolidated Municipal Act, 1903*, to the contrary.

Rates and assessments under By-law 291 to be charged on lands abutting on works.

2. The lands abutting on the said several works set out in By-law number 291 of the said Council are charged with the several rates and assessments set out in the said by-law and schedule thereto to be levied and collected as other municipal taxes.

By-law No. 264 confirmed.

3. After the same has been approved of by the Ontario Railway and Municipal Board, By-law No. 264 of the said Corporation set out in Schedule "D" hereto and all debentures issued or to be issued thereunder and all rates levied or to be levied for the payment of the said debentures shall be legal, valid and binding on the said Corporation and the ratepayers thereof.

SCHEDULE "A."

By-law Number 240, authorizing the construction of certain Granolithic Sidewalks and the Macadamizing of North Main Street, in the Town of Welland, and the borrowing of the sum of \$5,000.00 necessary therefor.

Under the said by-law North Main Street, between Merritt Street and the northerly limit of the Town of Welland, was macadamized, and the sum of \$2,500.00 was raised for the cost thereof.

Under the said by-law granolithic sidewalks were constructed along the north and south sides of First Street from Canal Street to Plymouth Road, and on the west side of Plymouth Road to a point three hundred feet north of said First Street southwards a distance of 2,600 feet, and the sum of \$2,500 was raised for the cost thereof.

Debentures for \$5,000.00, payable in ten years, with interest at four and one-half per cent. payable half yearly.

The said by-law was voted on by the ratepayers on the 13th day of August, 1906, and was finally passed on the 20th day of August, 1906.

SCHEDULE "B."

BY-LAW No. 291.

A By-law to provide for borrowing money by the issue of debentures secured by local special rates on the property fronting on Shotwell, Merritt, Church, Muir, Crowland, Grove, Franklin and Dorothy Streets, as a local improvement as set out in said By-law for the construction of Sewers thereon.

The

The total cost of the construction of the said sewers is the sum of \$13,981. The amount to be borne by the Town is \$6,500. The amount to be borne by the ratepayers is \$7,481.

The period of payment is ten years from the date of the issue of the debentures with interest at five per cent. per annum, payable half yearly.

The said By-law was passed in council the 12th day of December, 1907.

SCHEDULE "C."

BY-LAW No. 246.

A By-law granting financial aid to certain manufacturing companies to be established in the Town of Welland, for fixing the assessment of the lands of the said Companies for a term of years; for providing water supply for the use of the said Companies, and for the construction of a sewer to connect the lands of the said Companies with the main sewerage system of the Town of Welland.

Whereas Thomas J. Dillon, of Titusville, in the State of Pennsylvania, U.S.A., is proposing to form a Company in Canada, and to locate a forge plant within the limits of the Town of Welland, and has agreed in consideration of the passing of this by-law to form such Company with an authorized capital stock of at least \$100,000.00, of which \$25,000.00 shall be paid up capital, and to begin the construction of buildings and the establishment of a plant for forging purposes, which will employ from forty to fifty skilled labourers immediately after the passing of this by-law;

And whereas the Supreme Heating Company, Limited, is proposing to establish within the limits of the said Town of Welland a manufacturing establishment, and in the carrying on of their works to employ a large number of hands and pay out a large sum of money annually in wages, all of which will be of great public benefit to the said Town of Welland;

And whereas the Corporation of the Town of Welland deems it advisable in the public interest to grant aid and assistance to the aforesaid manufacturing companies as follows:—

To the said Thomas J. Dillon, agent, as aforesaid, or to a Company to be formed by him, a sum of money by way of a bonus amounting to \$1,800.00, and to the said the Supreme Heating Company, Limited, a sum of money by way of bonus, amounting to \$1,500.00, and further to fix the assessment of the lands, premises and property of the said Thomas J. Dillon, as agent for the said Company to be formed, or the lands, premises and property of the Company to be formed by him, and used solely for manufacturing purposes of the said Company, at the sum of five thousand dollars (\$5,000.00) per year, for a period of twenty years, and fixing the assessment of the lands, premises and property of the Supreme Heating Company, Limited, occupied and used by the Company for its manufacturing purposes at the sum of \$10,000.00 per year for a period of twenty years, and further that each of the said Companies should be supplied with water for the purposes of their manufacturing business from the waterworks system of the Town of Welland to the extent of two thousand gallons per day to each during the continuance of this by-law free of charge; and also that the Corporation of the Town of Welland should construct a sewer sufficient to carry all the sewerage from the manufacturing establishments of the two Companies, and to connect the same with the main sewerage system of the said Town of Welland without expense to the said Companies;

And whereas it is expedient in the interests of the said Town of Welland that the said industries should be established, and that the arrangements and agreements entered into between the said Companies and the Corporation should be carried out;

And

And whereas for these purposes it is necessary to raise on the credit of the said Town a sum of \$5,300.00, \$3,300.00 of which to be paid as a bonus to said Companies, and \$2,000.00 to be used in the construction of a sewer leading to the lands of the said Companies;

And whereas the whole ratable property of the said Town of Welland, according to the last revised assessment roll of the said Town is \$957,407.00;

And whereas the existing debenture debt of the Municipality of the said Town of Welland is \$104,082.84 (of which amount \$48,000.00 is for waterworks, the net income from which is sufficient to pay all interest on the cost thereof), of which no part of the principal or interest is in arrear;

And whereas it is necessary to have the sum of \$700.81 to be raised annually by special rate levied on all the property of the said Town for a period of ten years, the currency of the debentures to be issued under and by virtue of this by-law;

Therefore the Municipal Council of the Corporation of the Town of Welland enacts as follows:—

1. The lands of Thos. J. Dillon, as agent of the aforesaid Company to be formed, and of the said Company when formed, situate in the Town of Welland, and being lots Nos. 40, 41, 42, 43, 44, 46, 47, 49, 50, 52, 53, 55 and 56 on the west side of Queen Street, and 39, 42, 45, 48, 51 and 54 on the east side of the Grand Trunk Railway Company's right of way, excepting the land and buildings thereon used for residential purposes, and the plant, appliances, machinery and tools of the said Thomas J. Dillon, as agent for the said Company on said lands, which may not now be but may hereafter become liable to taxation, shall be assessed for the next twenty years from and after the final passing of this by-law at the sum of \$5,000.00 per year for all municipal purposes, excepting school purposes.

2. The lands of the Supreme Heating Company, Limited, being lots 13, 15, 17, 19, 21, 23, 29, 30, 31 on the west side of Queen Street, and 57 and north one-half of 53 on the east side of the Grand Trunk Railway Company's right of way (excepting the land and buildings thereon used for residential purposes), and the plant, appliances, machinery and tools of the said The Supreme Heating Company, Limited, on said lands which may not now be but may hereafter become liable to taxation, shall be assessed for the next twenty years from and after the final passing of this by-law at the sum of \$10,000.00 per year for all municipal purposes excepting school purposes.

3. That both of the said Companies shall after the construction of the said works, and the beginning of the operations thereof, be allowed to discharge all sewerage made or arising on or from their said manufacturing establishments into the sewerage of the Town of Welland through the sewer to be constructed by the said Town as hereinafter set out.

4. That the said Thomas J. Dillon, agent as aforesaid, of the said Company to be formed, or the said Company to be formed by him, and the said Supreme Heating Company, Limited, shall each be supplied to their and each of their premises, being the lands herein described by the Corporation of the Town of Welland for their manufacturing purposes free of charge, an amount of water equal to two thousand gallons of water per day and fire protection.

5. That it shall and may be lawful for the mayor of the Corporation of the Town of Welland, and he is hereby authorized, together with the treasurer thereof, to borrow upon the credit of the said Corporation of the Town of Welland, the sum of \$5,300.00, and to issue debentures of the said Corporation for that amount, in sums of not less than \$100.00 each, payable at the end of ten years from the first day of January, 1907, and to bear interest at the rate of four and one-half per cent. per annum, payable half yearly on the first days of July and January in each year, at the place where

where the said debentures are made payable, namely, at the office of the treasurer of the Corporation of the Town of Welland, the said debentures to be sealed with the seal of the Corporation, and to be signed by the mayor and treasurer thereof, to which debentures coupons shall be attached for the payment of interest, and bearing the signatures of the said mayor and treasurer.

7. During the currency of the debentures to be issued under the authority of this by-law the sum of \$238.50 shall be raised annually for the payment of interest on said debentures, and the sum of \$462.81 shall be raised annually for the purpose of forming a sinking fund for payment of the principal of said sum of \$5,300.00, in ten years, making in all the sum of \$700.81 to be raised annually as aforesaid, and a special rate on the dollar upon all the assessed value of all the rateable property in the Town of Welland over and above all other rates and taxes, and which special rate shall be sufficient to produce in each year the said sum of \$700.81, shall be annually levied and collected in each and every year during the currency of the said debentures.

8. That the said hereinbefore mentioned sum of \$5,300.00 when so raised shall be used as follows:—

For payment to the said Thos. J. Dillon, agent, as aforesaid, or to a Company to be formed by him as a bonus the sum of \$1,800.00, and which sum shall be paid only after the manufacturing works so agreed by the said Thomas J. Dillon to be erected, shall have been erected, and to pay to the said The Supreme Heating Company, Limited, the sum of \$1,500.00 after the works shall have been so erected, and the remaining portion of such amount being the sum of \$2,000.00 to be used in the construction of a sewer from the southern terminus of the present sewer on Burgar Street, and continuing along Burgar Street South to a point; and thence east to the western boundary line of the lands of the said hereinbefore mentioned Company, or in the alternative to construct such sewer, from the southern terminus of the present sewer on Burgar Street easterly along Division Street, and to the western boundary of said lands.

9. That this by-law shall take effect on, from and after the final passing thereof.

10. The votes of the electors of the said Town of Welland shall be taken on this by-law at the hour of nine o'clock in the forenoon, continuing until five o'clock in the afternoon, on Thursday, the 11th day of October, 1906, by the following persons as deputy returning officers, and at the following places:—

Ward One, Town Hall, by Geo. Wells.

Ward Two, Ellsworth's Shop, Hellems Avenue, by Garrett Hill.

Ward Three, Swartz' Shop, North Main Street, by W. F. Swartz.

Ward Four, Beatty's Paint Shop, North Main Street, by L. V. Garner.

11. That on Monday, the 1st day of October, 1906, the mayor shall attend at the council chamber in the Town Hall, in the said Town of Welland, at eleven o'clock in the forenoon, and appoint in writing signed by him one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law, and two persons to attend at the final summing up of the votes by the clerk of the municipality on behalf of the persons interested in and desirous of promoting or opposing the passing of this by-law.

12. That the clerk of the municipality shall attend at the said Town Hall, at the hour of twelve o'clock noon, on Saturday, the 13th day of October, 1906, to sum up the number of votes given for and against this by-law.

Read and passed a first and second time in council, this 10th day of September, A.D. 1906.

SCHEDULE

SCHEDULE "D."

BY-LAW No. 264.

A By-law to raise by way of loan the sum of \$15,000.00 for the purpose of paying for the construction of extensions to the Water Works System of the Town of Welland.

Whereas by By-laws numbers 40 and 41, passed by the Municipal Council of the Town of Welland, in the years 1887 and 1888, the said Municipal Council did provide for the construction of a system of water works in and for the purposes of the said Corporation;

And whereas it has become necessary to make extensions to the said water works system on the following streets, namely:—Crowland Street, State Street, Regent Street, Garner Avenue, Welland Street, Bugar Street, Dorothy Street, Queen Street, Myrtle Avenue, East Main Street, Plymouth Road, Ross Street, Bald Street, and River Road, all of which extension construction is estimated to cost \$15,000.00;

And whereas it will be necessary to raise on the credit of the Municipal Corporation of the Town of Welland the said sum of \$15,000.00 to pay the amount necessary for the construction of such water works extension;

And whereas a sufficient additional revenue will be derived from such water works extension as will meet the annual special rate required to pay the said sum of \$15,000.00 and interest thereon at five per cent.;

And whereas the whole ratable property in said Town according to the last revised assessment roll of said Town for the year 1907 is \$1,002,565.00;

And whereas it will require the sum of \$750.00 to be raised annually for a period of thirty years, the currency of the debentures to be issued under and by virtue of this by-law, to pay the interest of the said debt, and the sum of \$315.30 to be raised annually during the said period for the forming of a sinking fund for the payment of the debt created by this by-law, making in all the sum of \$1,065.30 to be raised annually by special rate on all the ratable property in the Town of Welland;

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Welland under and by virtue of *The Municipal Water Works Act* of Ontario, and amendments thereto:—

1. That it shall be lawful for the mayor of the said Town of Welland and the said mayor is hereby authorized and empowered for the purpose aforesaid to raise from any person, persons or body corporate who may be willing to advance the same upon the security of the debentures hereinafter mentioned a sum of money not exceeding in the whole the sum of \$15,000.00, and cause the same to be paid into the hands of the treasurer of the said Town for the purposes and with the objects hereinbefore recited.

2. That it shall be lawful for the mayor of the said Town to cause any number of debentures of the Corporation of the said Town, amounting in all to \$15,000.00, each of such debentures being for an amount of not less than \$100.00, and that such debentures shall be sealed with the seal of the said Corporation and signed by the mayor and countersigned by the treasurer of the said Town, and shall have attached thereto coupons for the payment of the interest thereon, signed and countersigned as aforesaid.

3. That the said debentures shall be made payable in thirty years at furthest from the day hereinafter mentioned for this by-law to take effect, at the office of the treasurer of the said Town.

4. That the said debentures shall bear interest at the rate of five per cent. per annum from the date thereof, which interest shall be payable at the office of the Treasurer of the said Town on the 1st day of September and March of each year during the currency of said debentures.

5. And it is hereby further enacted that for the purpose of paying said interest, and providing a sinking fund for the payment of said debentures, an equal special rate of a per cent. on the dollar sufficient to pay the amount of such interest and sinking fund, shall be levied, raised and collected in each year during the currency of such debentures upon all the ratable property in the said municipality.

6. And it is hereby further enacted that this by-law shall take effect from and after the 1st day of September, 1907.

7. And it is hereby further enacted that the proceeds of the said debentures shall be applied in the payment of the cost of constructing the extensions to the water works system of the said Town of Welland as hereinbefore set out and not otherwise.

Passed in the Council this 5th day of August, 1907.

J. H. CROW,
Mayor.

H. W. BOYD,
Clerk.

CHAPTER 117.

An Act respecting the County of Wellington and the Town of Mount Forest.

Assented to 14th April, 1908.

Preamble.

WHEREAS the Corporation of the County of Wellington has by its petition represented that the Corporation of the Town of Mount Forest in the said county caused an application to be made to the County Judge of the said County under sections 617 and 618 of *The Consolidated Municipal Act, 1903*, and amending Acts for an order in writing declaring the bridges situated in the Town of Mount Forest, known as the Market Street and Queen Street bridges to be County bridges to be maintained and kept in repair by the Corporation of the County of Wellington, that the Corporation of the County of Wellington disputed the said alleged liability and resisted the said application; that after the matter of the said application had been partly heard before His Honor the Junior Judge of the said County an agreement in writing for settlement of the dispute was arrived at on behalf of the said two Corporations, a copy of which agreement is set forth in Schedule "A" to this Act; that the terms of such settlement were also embodied in an order made by the said Judge dated the 26th day of June, A.D., 1907, a copy of which order is set forth as Schedule "B" to this Act; that the said settlement has been accepted and approved by the Municipal Council of the Corporation of the Town of Mount Forest and by the Municipal Council of the Corporation of the County of Wellington; and the said Corporation of the County of Wellington by its said petition prayed that for the removal of doubts as to the powers of the said Councils to enter into the said agreement and of the said Judge to make the said order in pursuance thereof, the said agreement may be ratified and confirmed, and that it and the said order may be legalized and declared valid and binding; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The agreement made on behalf of the Corporation of the County of Wellington and of the Corporation of the Town of Mount Forest with respect to the bridges known as the Market Street and Queen Street bridges in the said Town of Mount Forest, in the said County as set forth in Schedule "A" to this Act, is hereby ratified and confirmed and such agreement and the order of His Honor the Junior Judge of the County of Wellington as set forth in Schedule "B" to this Act are and each of them is declared to legal and valid and binding upon the said Corporation of the County of Wellington and the said Corporation of the Town of Mount Forest and their successors respectively and the said Corporations are and each of them is authorized and empowered to do all necessary acts, matters and things for the full and proper carrying out of the said agreement and of the said order.

Agreement
between
County of
Wellington and
Town of
Mount Forest
confirmed.

SCHEDULE "A."

In Re Sec. 617 (a) of *The Municipal Act* and the Market Street and Queen Street bridges in the Town of Mount Forest.

It is agreed that this matter be settled as follows:—

1. The County of Wellington agrees to assume as County bridges and erect and maintain the Market Street bridges from bank to bank of the stream. New bridges to cost \$8,500, to be erected within fifteen months from this date.

2. The Town of Mount Forest to pay the County of Wellington \$2,500 upon the completion of said bridges.

3. The Town of Mount Forest to abandon for all time all claims upon the County of Wellington in respect of the Queen Street bridge for erection, maintenance or repair.

4. The County to assume the Market Street bridges on and from 1st December, next.

5 The County to be entitled to full amount of Government grant.

6. Any timber not required by the County in old Market Street bridges for erection of new bridges to be handed over to Mount Forest.

7. Each party to pay their own costs.

Dated 26th June, 1907.

(Sgd.) D. W. DULMAGE.

Warden.

(Sgd.) JOHN M. YOUNG.

Chrm. Bridge Comm.

(Sgd.) C. A. JONES.

Mayor.

(Sgd.) W. C. PERRY.

Clerk.

We agree that Judge's fees and expenses also Stenographer's fees be paid by County and Town in equal shares.

(Sgd.) H. GUTHRIE.

Sol. for County.

(Sgd.) WM. KINGSTON.

SCHEDULE

SCHEDULE "B."

His Honor Judge Jamieson,
County Judge of the County
of Wellington.

Wednesday, the 26th day of
June, A.D., 1907.

In the matter of Section 617 and 618 of *The Municipal Act, 1903*, and amending Acts, and of the Queen Street and Market Street bridges in the Town of Mount Forest, between The Corporation of the Town of Mount Forest, Applicants, and The Corporation of the County of Wellington, Respondents.

Upon the application of the Corporation of the Town of Mount Forest under the above sections of *The Municipal Act of 1903*, and amending Acts, for an Order in writing declaring the said two bridges in the Town of Mount Forest in the County of Wellington, to be County bridges to be maintained and kept in repair by the Corporation of the County of Wellington which application came on for hearing this day at the said Town of Mount Forest in the County of Wellington, in the presence of Counsel for both parties, upon hearing read the Resolution of the Council of the Town of Mount Forest passed in this matter under the said sections on April 20th, 1907, served by the Clerk of the said Town upon the Clerk of the County Council of the said County and the notice of this present application and the several enlargements thereof unto this day, and upon hearing such evidence as was adduced by the said applicants and upon a view in the presence of said Counsel of the said two bridges and the premises surrounding the same and upon hearing read the agreement or consent minutes of order dated this day signed by the parties and their Counsel aforesaid filed and which said consent minutes are as follows:—

1. The County of Wellington agrees to assume as County bridges and erect and maintain, the Market Street bridges, from bank to bank of the stream, new bridges to cost \$8,500 to be erected within fifteen months from this date.

2. The Town of Mount Forest to pay the County of Wellington \$2,500 upon the completion of said bridges.

3. The Town of Mount Forest to abandon for all time all claims upon the County of Wellington in respect of the Queen Street bridge for erection, maintenance or repair.

4. The County to assume the Market Street bridges on and from 1st December, next.

5. The County to be entitled to full amount of Government grant.

6. Any timber not required by the County, in old Market Street bridges, for erection of new bridges, to be handed over to Mount Forest.

7. Each party to pay their own costs.

And upon hearing what was alleged by Counsel aforesaid:—

1. I do order and declare that it is unjust that the Town of Mount Forest should be liable for the maintenance and repair of the said Market Street bridge or bridges and I do order and adjudge the said Market Street bridge or bridges in the Town of Mount Forest aforesaid, from bank to bank of the stream shall from and after the 1st day of December, 1907, be a County bridge or bridges to be maintained and kept in repair by the Corporation of the County of Wellington from such date, and that the whole cost of such maintenance or repair save as hereinafter mentioned shall thereafter be paid by the said County.

2. And I do further order that the Town of Mount Forest do pay to the County of Wellington the sum of \$2,500 upon the completion of the erection of a new bridge or bridges upon Market Street in the said Town of Mount Forest as set out in clause (1) of above consent minutes and I do hereby declare that the said sum

of \$2,500 is and shall be the just and full sum which the said Town of Mount Forest shall pay or contribute in future to the said County for the maintenance or repair of the said Market Street bridge or bridges.

3. And I do further order and declare that it is not unjust that the said Town of Mount Forest shall be liable for the whole maintenance and repair of the bridge known as the Queen Street bridge in the said Town of Mount Forest and I do order and declare that the said Queen Street bridge is not a County bridge to be maintained and kept in repair by the Corporation of the County of Wellington.

4. And I do declare that the said Corporation of the Town of Mount Forest does abandon and has abandoned for all time, all claims upon the County of Wellington, in respect of the Queen Street bridge for erection, maintenance or repair.

5. I do further order that the terms of the said settlement as hereinbefore set out be embraced in and do form part of this order.

6. This order shall not be registered before the first day of December, 1907.

(Sgd.) JOSEPH JAMIESON,
Co. Judge.

CHAPTER 118.

An Act respecting the Town of Toronto Junction and to incorporate it as the City of West Toronto.

Assented to 14th April, 1908.

Preamble.

WHEREAS the Corporation of the Town of Toronto Junction has by its petition represented that in order to provide proper public school accommodation for pupils of school age resident in the said Town, it will be necessary to erect and equip a new public school at a cost of \$25,000, and to provide funds for such purpose it will be necessary for the said Municipality to issue debentures to the amount of \$25,000; and that it is doubtful whether the said Corporation has power to borrow money by the issue of debentures to pay said cost owing to the provisions of the Act passed in the sixty-first year of Her late Majesty's reign Chaptered 55; and it is desirable that special authority be given to the said Corporation to issue debentures for the purposes aforesaid; and that said Municipality be incorporated as a city, and the name changed from "Toronto Junction" to "West Toronto;" and that by an Act passed in the seventh year of His Majesty's reign Chaptered 96, power was given to the said Corporation to pass a by-law to borrow a sum not to exceed \$100,000 by the issue of debentures to pay the cost of constructing and laying down a permanent street pavement on Dundas Street in the Town from the westerly limits of the City of Toronto to Victoria Street, and permanent sidewalks and curbing on each side of the said pavement and branch water connections, service pipes, and private drain connections from any existing water main, drain or sewer to the street line on each side of the said portion of Dundas Street; said debentures to be a charge of the said Corporation and the revenues thereof subject to the debentures thereof issued under the authority of the Act passed in the sixty-first year of Her Majesty's reign, Chaptered 55; and that the said Act passed in the seventh year of His Majesty's reign, Chapterd 96, provided that the whole cost of the construction and laying down of said branch water connections, service pipes and

and private drain connections should be assessed and levied by a special rate upon properties benefited thereby instead of by frontage rate; and that the cost of such branch water connections, service pipes, and private drain connections has already been paid by the owners of the properties benefited thereby and it will not be necessary to assess or levy the cost thereof as provided by the Act; and that the total cost of the said permanent street pavement, sidewalks and curbing will be in the vicinity of \$100,000; and that By-law number 635 of the said Corporation set out in Schedule "A" hereto was passed, providing for the construction of said permanent street pavement, sidewalks and curbing as a local improvement and for the issue of debentures to be provided for borrowing the said sum of \$100,000, and for the assessing of lands abutting on the said works for a portion of the cost thereof but without making any provision for assessment of the cost of said branch water connections, service pipes and private drain connections; and to remove any doubts it is advisable that the said By-law and the said debentures should be declared legal, valid and binding and that the assessment made or to be made in pursuance thereof should be confirmed; and that it is in the interest of the said Town that the elections for Mayor and Councillors and School Trustees should be held on New Year's Day in each year; and that it is desirable that all tax sales of land in the Town of Toronto Junction including the year 1906, and all tax deeds given pursuant thereto should be validated and confirmed for the more convenient dealing in the lands so sold; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in any general or special Act, The Municipal Corporation of the Town of Toronto Junction may pass a by-law to borrow a sum not to exceed \$25,000, by the issue of debentures to pay the cost of constructing and equipping a new public school within said Town, said debentures to be a charge on the whole property of the said Corporation rateable for public school purposes, but subject to the debentures issued under the authority of the Act passed in the 61st year of Her late Majesty's reign, Chaptered 55, as far as the latter debentures are a charge on said property that is rateable for public school purposes.

Power to borrow \$25,000 to build public school.

2. The said debentures shall be made payable in not more than five years from the date of the issue thereof and shall bear interest at a rate not exceeding five per cent. per annum

Term of debentures and interest.

annum payable yearly and shall have coupons attached thereto for the interest and shall be payable at such place or places as the Corporation may deem expedient.

Manner of
payment.

3. The said debentures shall be payable in equal annual instalments of principal and interest in such manner and of such amounts that the amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest in each of the other years of the period within which the debt is to be paid.

By-law and
debentures
validated.

4. It shall be lawful for the said Corporation to issue and sell the said debentures, and the said By-law when passed and the debentures to be issued thereunder shall be legal, valid, and binding.

Incorporation
of City of West
Toronto.

5. On and after the passing of this Act, the Corporation of the Town of Toronto Junction shall be constituted a Corporation under the name of "The Corporation of the City of West Toronto," and the said Corporation shall enjoy and possess all the rights, powers and privileges of a city incorporated under *The Municipal Act* as well as all the rights powers and privileges heretofore possessed by The Corporation of the Town of Toronto Junction.

Wards.

6. The City of West Toronto shall be divided into five Wards, to be called respectively, Ward Number One, Ward Number Two, Ward Number Three, Ward Number Four and Ward Number Five, which said wards shall be respectively composed and bounded as heretofore in the Town of Toronto Junction.

Council how
composed.

7. The Council of the said City shall consist of a mayor who shall be the head thereof, and two aldermen for each ward thereof.

Present Mayor
and Council
to continue in
office until
election of
successors.

8. Notwithstanding anything herein contained, the Mayor and Council of the said Town shall be and continue to be the Mayor and Council of the said City, and shall hold office as such until the regular municipal elections for the year 1909, are held as provided for in the case of a city, under *The Municipal Act*, and until their successors are elected; and they shall exercise and enjoy all the rights, powers, privileges and immunities and perform all the duties pertaining to the office of mayor and aldermen of a city; and in the event of the death, resignation, or disqualification of the said mayor, or any member of the said council, a new election shall be held to fill the vacancy thus created under and pursuant to the provisions of *The Municipal Act*.

9. The said The Corporation of the City of West Toronto shall in all matters whatsoever stand and be in the place, and stead of the said The Corporation of the Town of Toronto Junction, and all property of every kind and all rights, interests, assets and effects, taxes, rates, dues, revenues, obligations, and income now belonging to or accruing due to, or which may be assessed or levied for by the said Town, shall pass, belong to and be the rights, property, assets, effects, taxes, revenues, and obligations of the said City of West Toronto; and in the assessment for and collection of, all the aforesaid property and revenues of every kind, the said The Corporation of the City of West Toronto shall have as full power in its name to assess for, demand, collect and receive the same as the said The Corporation of the Town of Toronto Junction, would have had if this Act had not been passed; and the said City shall assume and hereby assumes all bills, debts, debentures, and liabilities of any and every kind now due, or contracted, or accruing due, or for which the said Town Corporation, but for the passing of this Act, would be liable, and the same shall and may be collected and sued for, from and against the said City Corporation in precisely the same manner, except in the change of the name as against the said Town Corporation; and all acts, matters, and things whatsoever which might be lawfully done by the said Corporation of the Town of Toronto Junction, shall and may be done by the said the Corporation of the City of West Toronto, and all matters begun or initiated by the said Town Corporation may be completed by the said City Corporation, the meaning and intention hereto being that in all matters and things, the said City Corporation shall be and stand in the place of the said Town Corporation.

Property, as-
sets, etc., of
town to be
vested in city.

10. The officers and servants of the said Town shall until superseded in or removed from office by the Council of the said City, remain the officers and servants of the said City.

Officers of
town to con-
tinue as officers
of city.

11. Except as otherwise provided by this Act, the provisions of *The Municipal Act*, and of any Act amending the same with regard to matters consequent upon the formation of new corporations shall apply to the said City of West Toronto in the same manner, and to the same extent as if the said Town had been erected into a City under the provisions of the said Act.

Application of
provisions of
3 Edw. VII.,
c. 19.

12. The last revised assessment roll and voters' list of the said Town shall be taken to be the assessment roll and voters' list respectively of the said City to the same extent as if the same had been made by the said City.

Assessment
roll and
voters' list.

By-laws, etc.,
of town to
apply to city.

13. All by-laws and municipal regulations, except so far as they are inconsistent herewith, which are in force in the Town of Toronto Junction, shall continue, and be in force as if they had been passed by the Corporation of the City of West Toronto, and shall extend to, and have full effect within the limits of the City hereby incorporated until repealed by the new Corporation.

Statutes affect-
ing town to
apply to city.

14. All provisions of law relating to the Town of Toronto Junction, and not inconsistent with this Act, shall apply to the City of West Toronto, and the land within the limits of the said City.

Nominations.

15. The nominations for mayor, councillors and school trustees of the said Corporation shall be held on the twenty-second day of December in each year unless that day should be a Sunday, then on the following day, and the elections for said offices shall be held on the first day of January following, unless that day should be a Sunday, then on the following day.

By-law No. 635
confirmed.

16. By-law No. 635 of the said Corporation which is fully set forth in the Schedule "A" to this Act, the debentures thereby authorized and since issued or to be issued by the said Corporation, in pursuance thereto, and the assessment therein made, or to be made and all rates levied or to be levied for the payment of said debentures, are hereby confirmed and declared legal, valid, and binding on the said Corporation and the ratepayers thereof.

Assessment
rolls and
collector's rolls
validated.

17. All assessment rolls of the said Town heretofore finally revised, all collectors' rolls of the said Town heretofore returned by the collectors thereof and all collectors' returns heretofore made are hereby validated and confirmed notwithstanding any irregularity fault or omission in the said assessments, collectors' rolls or collectors' returns, or in any matter or thing done or omitted to be done in relation thereto and notwithstanding anything contained in any Act or Acts to the contrary.

Tax sales prior
to January 1st,
1906, confirmed

18. All sales of land within the said Town made prior to the first day of January, A.D. 1906, and purporting to be made for arrears of taxes in respect to the lands so sold including sales of land which may have been purchased by the Council of the said Corporation or by anyone on behalf of the said Council under the provisions of *The Assessment Act*, and all tax deeds purporting to be issued in pursuance of such sales are confirmed and declared to be and to have been legal, valid, and binding to all intents and purposes, notwithstanding any error of description and notwithstanding any irregularity in the assessments or any other proceedings for the imposition of any taxes

taxes so in arrear or any failure to comply with requirements of *The Assessment Act, 1902*, of *The Assessment Act* or of any Act or Acts amending the same in regard to the certifying or signing of the same or the making of any affidavit or oath required in connection therewith or in regard to the time for the return of any collectors' roll of the said Town or in regard to the furnishing, authenticating or depositing of any list of land in arrear for taxes within the said Town, or the furnishing by the collector of any account of the taxes remaining due on any and all collectors' rolls or in regard to the mailing of notice to any person in respect to whose land any taxes appeared at any time to be in arrears or in regard to any omission to levy the amount of any such taxes in arrear by distress and sale of goods, and notwithstanding any failure on the part of the Council to give written notice to the owners (or any other person) of any lot, or part of lot, or lots as required by subsection 3 of section 184 of chapter 224 of the Revised Statutes of Ontario, 1897, and notwithstanding that the Town of Toronto Junction purchased more than one lot at any adjourned sale of lands for arrears of taxes, and notwithstanding the failure of the treasurer of the municipality or of any person on his behalf to make or cause to be made a search or searches and to give a notice or notices as required by section 165 of *The Assessment Act*, and notwithstanding any other failure, omission or mistake of any kind whatsoever, in or about the said sale on the part of the Council or of any official of the said Town, and notwithstanding anything to the contrary in any of the said Acts contained.

SCHEDULE "A."

BY-LAW No. 635.

A By-law to authorize the issue of debentures by the Town of Toronto Junction for public improvements.

Passed June 20th, 1907.

Whereas in the opinion of the Council of the Corporation of the Town of Toronto Junction, it is advisable and necessary to pave with asphalt blocks and artificial stone curbing and provide with concrete side walks, that portion of Dundas Street, one of the main thoroughfares of the said Corporation, from the westerly limits of the City of Toronto to Victoria Street, a distance of one mile or thereabouts, one-half of the cost of the said pavements, curbing and side walks, after deducting the amount payable by the Municipality for the usual and legal allowances for street intersections exempt properties and flankages, to be borne by the Municipality at large, and the balance of the cost to be assessed and levied upon the real properties liable to assessment, fronting or abutting on the said portion of Dundas Street;

And whereas by an Act of the Legislature of Ontario passed in the seventh year of the reign of His Majesty, King Edward VII, and chaptered 96, authority has been granted to the said Corporation to issue debentures to provide money to pay the cost of said improvements

improvements, and this by-law is passed in pursuance to the powers granted by said Act, and in pursuance to all other powers which the said Corporation has by virtue of *The Consolidated Municipal Act*, and its amendments;

And whereas it has been ascertained and determined that the real property fronting or abutting on the lines described are as follows:—

1. Commencing at a point on the west side of Dundas Street at its intersection with the south side of Humberside Avenue, being the westerly limit of the City of Toronto; thence northerly and westerly along the westerly and south-westerly limit of Dundas Street four thousand seven hundred feet, more or less, to a point opposite the east limit of Victoria Street, produced southerly in a straight line to intersect the said southerly limit of Dundas Street, being the frontage on the westerly and south-westerly side of Dundas Street from its intersection with the south limit of Humberside Avenue, to its intersection with the east limit of Victoria Street, producing after deducting the width of seven hundred and seventy-three feet for street intersections and exempt property, three thousand nine hundred and twenty-seven feet, more or less, of frontage assessable on the west and southwest side of the said portion of the said street.

2. Commencing at a point on the east side of Dundas Street where it would be intersected by the production in a straight line easterly of the south limit of Humberside Avenue, thence northerly and westerly along the east and north-east side of Dundas Street to its intersection with the east limit of Victoria Street, four thousand seven hundred and twenty-eight feet, more or less, being the frontage on the east and north-east side of the said portion of Dundas Street, producing after deducting the width of five hundred and sixteen feet for street intersections and exempt properties four thousand two hundred and twelve feet, more or less, of frontage, assessable on the said east and north-east side of the said portion of Dundas Street, or a total of eight thousand one hundred and thirty-nine feet, more or less, of assessable property on both sides of said portions of Dundas Street, is immediately, directly, equally and especially benefitted by the said improvement;

And whereas the total assessed value of the said property is two hundred and eighty-nine thousand, one hundred and sixty dollars;

And whereas the amount of the whole rateable property of the Town of Toronto Junction, according to the last revised assessment roll thereof is three million, five hundred and twenty-six thousand, five hundred and sixty dollars;

And whereas the amount of the existing debenture debt of the said Municipality is one million, forty-one thousand, six hundred and fifty dollars, whereof no portion for principal or interest is in arrear;

And whereas the said pavement, curbing and side walk, are about to be laid, and the total cost thereof is estimated to be the sum of one hundred thousand dollars, of which amount the Municipality at large is to pay eighteen thousand dollars, being the estimated cost of laying down the said pavement, curbing and side walks opposite street intersections, exempt properties, and flankages and of the remaining eighty-two thousand, the sum of forty-one thousand dollars is to be borne and paid by the Municipality at large, and forty-one thousand dollars is to be defrayed by the rate-payers owning the real property liable to assessment fronting or abutting upon the said portion of Dundas Street, and one hundred thousand dollars is the amount of the debt to be created by this by-law;

And whereas in order thereto, it will be necessary to issue debentures of the said Municipality for the sum of \$100,000.00 as hereinafter provided, the proceeds of the said debentures to be applied to the purpose of paying the said debt intended to be created by this by-law, and discount and interest and other charges incidental to the sale of the said debentures, and the cost of engineering and inspection

inspection in connection with the construction and laying of said pavements, curbing and sidewalks;

And whereas it is desirable to issue the said debentures at one time and to make the principal of the said debt repayable by yearly sums during the period of ten years, being the currency of the said debentures; said yearly sums being of such amounts that the aggregate amount payable in each year for principal and interest in respect of said debt shall be as nearly as possible equal to the amount so payable in each of the other nine years of said period, as shown in Schedule "A" hereto annexed;

And whereas it will require the sum of \$12,950.00 to be raised annually for the period of ten years during the currency of the debentures to be issued in and by virtue of this by-law for payment of the said debt and interest, of which sum \$5,309.50 is to be raised by special rates on the said property to be benefited thereby, and \$7,640.50 by the Municipality at large;

And whereas there are eight thousand one hundred and thirty-nine feet of frontage of the said assessable real property on both sides of Dundas Street within the limits aforesaid, according to the said description, immediately, directly, equally and specially benefited by the said asphalt block pavement, artificial stone curbing and concrete sidewalks upon which it will be required to charge an annual special rate per foot sufficient to pay the sum of \$5,309.50 during the said period of ten years to pay forty-one per cent. of the several instalments of principal and interest on the said debt as they respectively become due and payable within ten years according to law, which said debt is as to said forty-one per cent. thereof created on the security of the special rates or sums settled by this by-law and guaranteed by the Municipality at large;

And whereas it is necessary to raise annually the sum of \$7,640.50 during the said period of ten years to pay fifty-nine per cent. of the several instalments of principal and interest on the said debt as they respectively become due and payable within ten years according to law, on the assessed rateable property of the said Municipality and it will be required to charge as against the said rateable property liable therefor the sum of \$7,640.50 aforesaid, the annual special rate or sum as particularly set out in said schedule for paying the proportion of the said principal debt of \$100,000.00 and interest thereon at five per cent. per annum for a period of ten years during the currency of the debentures to be issued thereunder and which said debt is created on the security of the special rates or sums settled by this by-law;

And whereas it is expedient to raise the said sum of \$41,000.00 by debentures of the Corporation of the Town of Toronto Junction to defray that part of the expenses of said work, payable by local special rates, and the further sum of \$59,000.00 by debentures of the said Corporation to defray that portion of said indebtedness payable by the Corporation at large;

Therefore the Municipal Council, of the Corporation of the Town of Toronto Junction, enacts as follows:—

1. The Municipal Council of the said Town of Toronto Junction shall expend the sum of \$100,000.00 in the paving of that portion of Dundas Street in said town between its intersection with the said south limit of Humberside Avenue, being the westerly limit of the City of Toronto, and its intersection with the east limit of Victoria Street with asphalt block and artificial stone curbing, and to provide said portion of said street with concrete side walks, and for the purpose of raising the said sum, debentures of the said Town to the amount of \$100,000.00 as aforesaid in sums of not less than \$1,000 each shall be issued on the first day of September, 1907, each of which debentures shall be dated on the date of the issue thereof, and shall be payable within ten years thereafter at the Molsons Bank, in the said Town of Toronto Junction.

2. That during ten years, the currency of the debentures to be issued under the authority of this by-law, the sum of \$12,950 shall be raised and levied annually for the payment of the principal and interest

interest on the said sum of \$100,000, and that the special rate or sum amounting to 65.3 cents per foot frontage, set out in said schedule, is hereby imposed on the real property above described according to the frontage thereof over and above all other rates and other taxes, which special rate shall be sufficient to produce in each year the sum of \$5,309.50, or forty-one per cent. of the said total annual payment of \$12,950.00, and that during said ten years a special rate is also hereby imposed on all the rateable property in the said Municipality liable therefor, over and above all other rates and taxes, which special rate shall be sufficient in each year to produce the sum of \$7,640.50, or fifty-nine per cent. of the said total annual payment of \$12,950.00, and said rates shall be annually inserted on the collectors' roll in each year for the next succeeding ten years, and shall be payable to and collected by the collector or treasurer of the said town in the same way as other rates on the said roll.

3. That during the period of ten years commencing from the first day of January, 1908, the said above described real property shall be exempt from forty-one per cent. of all general rates or assessments for paving, curbing, or sidewalks constructed on the local improvement plan, on other streets in said town, save and except the cost of similar works and improvements at the intersections of streets, and except such portion of the general rate as may be imposed to meet the cost of like work and improvements opposite real property, which is exempt from such special assessment.

4. That the sum of \$100,000 be raised by loan by the Corporation of the Town of Toronto Junction by the security of the special rates hereby imposed; and that debentures amounting to the sum of \$100,000 be issued by the said Corporation therefor under their corporate seal, which shall be signed by the Mayor of the said Corporation, or by some other person authorized by by-law to sign the same, and by the Treasurer of the said Corporation and the Clerk thereof shall attach thereto the corporate seal of the said Municipality.

5. That the said debentures shall be made payable in annual instalments within ten years from the date of the issue of the same, such instalments to be of such amount that the aggregate amount payable for principal and interest in any year during the said period of ten years shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period.

6. That the said debentures shall bear interest at the rate of five per cent. per annum from the date of the issue thereof, which said interest shall be payable yearly on the first day of September in each year.

7. That the debentures shall, both as to principal and interest, be payable at the Molsons Bank, in the Town of Toronto Junction, and that the said sum of \$100,000 to be raised thereon be paid out and expended in paying off and discharging the cost of such work or temporary loan heretofore obtained, for the construction of said pavement, curbing and sidewalks, and material purchased, and work and expenses paid for and incidental to the said construction, and in no other way and for no other purposes whatsoever.

8. If at any time the owners of the real property hereinbefore described, or any part thereof, shall desire to commute the assessment imposed by this by-law by the payment of his or her or their proportionate share or shares of the cost thereof, as a principal sum in lieu thereof, he, she or they may commute by the payment of \$5.68 per foot of his, her or their property fronting or abutting on the said part of Dundas Street at any time until September 1st, 1908, or in any subsequent year by the payment of such sum as may be necessary to realize at the end of the currency of said debentures a sum equivalent to the balance then unpaid, of the said annual special rate thereof, as set out in Schedule "B" hereto.

9. All moneys arising out of the said annual special rate and all moneys received in commutation thereof under the preceding section

tion of this by-law shall be applied by the Treasurer from time to time in paying off and discharging the said debt and interest, and in no other way and for no other purpose whatsoever.

10. The amount of debentures authorized to be issued under this by-law is subject to consolidation by including the same in a collective or cumulative by-law to be hereafter passed consolidating the same with other amounts authorized or to be authorized by other local improvement by-laws and under which consolidating by-law the required debentures to provide for the amounts to be raised under this and said other individual by-laws, shall be issued in a consecutive issue, and shall in said consolidating by-law be more particularly enacted in that behalf.

11. This by-law shall come into operation on the date of the passing of the said by-law.

“W. A. BAIRD,”
Mayor.
“W. J. CONRON,”
Clerk.

Schedule “a.”

ATTACHED TO BY-LAW No. 635.

| Year No. | Interest. | | | Principal. | | | Total of principal and interest. | Rate per ft. frge of individual's share. |
|-------------|------------------|-------------------------|-----------|------------------|-------------------------|------------|---|--|
| | Town's share. | Individ- ual's share | Total. | Town's share. | Individ- ual's share | Total. | | |
| | \$ c. | \$ c. | \$ c. | \$ c. | \$ c. | \$ c. | \$ c. | |
| 1 | 2,950 00 | 2,050 00 | 5,000 00 | 4,690 50 | 3,259 50 | 7,950 00 | 12,950 00 | 65.3 |
| 2 | 2,714 48 | 1,887 02 | 4,602 50 | 4,925 03 | 3,422 47 | 8,347 50 | 12,950 00 | “ |
| 3 | 2,469 23 | 1,715 90 | 4,185 13 | 5,171 28 | 3,593 59 | 8,764 87 | 12,950 00 | “ |
| 4 | 2,210 66 | 1,536 22 | 3,746 88 | 5,429 85 | 3,773 27 | 9,203 12 | 12,950 00 | “ |
| 5 | 1,939 17 | 1,347 55 | 3,286 72 | 5,701 34 | 3,961 94 | 9,663 28 | 12,950 00 | “ |
| 6 | 1,654 11 | 1,149 45 | 2,803 56 | 5,986 40 | 4,160 04 | 10,146 44 | 12,950 00 | “ |
| 7 | 1,354 78 | 941 45 | 2,296 23 | 6,285 73 | 4,368 04 | 10,653 77 | 12,950 00 | “ |
| 8 | 940 50 | 723 05 | 1,763 55 | 6,600 01 | 4,586 44 | 11,186 45 | 12,950 00 | “ |
| 9 | 710 49 | 493 73 | 1,204 22 | 6,930 02 | 4,815 76 | 11,745 78 | 12,950 00 | “ |
| 0 | 360 62 | 250 59 | 611 21 | 7,279 89 | 5,058 90 | 11,338 79 | 12,950 00 | “ |
| | 17,304 04 | ..... | 29,500 00 | ..... | ..... | 100,000 00 | 129,500 00 | |

Schedule “b.”

RATES PER FOOT FRONTAGE AT WHICH OWNERS OF PROPERTY MAY
COMMUTE ABOVE PAYMENTS YEARLY.

| | | | | | | | | |
|-----------|---------|------------|-----|---------|--------|-------|------|----------|
| At end of | first | year after | 1st | payment | \$5.24 | per | foot | frontage |
| “ “ “ | second | “ “ | 2nd | “ | 4.73 | “ “ “ | “ | “ |
| “ “ “ | third | “ “ | 3rd | “ | 4.20 | “ “ “ | “ | “ |
| “ “ “ | fourth | “ “ | 4th | “ | 3.54 | “ “ “ | “ | “ |
| “ “ “ | fifth | “ “ | 5th | “ | 3.08 | “ “ “ | “ | “ |
| “ “ “ | sixth | “ “ | 6th | “ | 2.50 | “ “ “ | “ | “ |
| “ “ “ | seventh | “ “ | 7th | “ | 1.85 | “ “ “ | “ | “ |
| “ “ “ | eighth | “ “ | 8th | “ | 1.25 | “ “ “ | “ | “ |
| “ “ “ | ninth | “ “ | 9th | “ | .64 | “ “ “ | “ | “ |

CHAPTER 119.

An Act respecting By-law No. 128 of the Township of Widdifield.

Assented to 14th April, 1908.

Preamble.

WHEREAS the Montreal Reduction and Smelting Company of Canada, Limited, hereinafter called "the Company," has by petition set forth that the company has acquired certain lands at Trout Mills, in the Township of Widdifield, and has entered into an agreement with the Municipal Corporation of the Township of Widdifield, under which in consideration of the erection of large smelting works at Trout Mills, the company was granted exemption from taxation for twenty years commencing on the first day of January, 1907; that in accordance with the provisions of *The Consolidated Municipal Act, 1903*, a by-law, being By-law No. 128, "Providing for the exemption from taxes of the property of the Montreal Reduction and Smelting Company, Limited, and to authorize the entering into a certain agreement with the said Company," adopting the said agreement, was duly submitted to the ratepayers, but that owing to the large number of non-resident ratepayers it was not possible to obtain the assent of the proportion of the total number of ratepayers entitled to vote as required by the said Act; that the total number of votes cast in favour of the said by-law was 123, and the total number of votes cast against was 31, that out of the total number of 517 ratepayers qualified to vote on the said By-law 158 are non-resident; and whereas the said company has by the said petition prayed that an Act may be passed to authorize the municipality to pass the said by-law and to confirm the said agreement; and whereas it appears that the Municipal Council of the Township of Widdifield has by resolution assented to the said application; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said Municipal Council of the Township of Widdifield may finally pass the said By-law No. 128, and from the date of the passing thereof the said by-law, as set out in Schedule "A" to this Act, and the agreement between the company and the Corporation of the Township of Widdifield, set out in the schedule to the said by-law, shall be legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof and upon the said company, anything in *The Consolidated Municipal Act, 1903*, or in any other Act to the contrary notwithstanding.

Township
authorized to
pass By-law
No. 128.
Agreement
validated.

SCHEDULE "A."

By-Law No. 128.

By-law providing for exemption from taxes of the property of The Montreal Reduction and Smelting Company, Limited, and to authorize the entering into a certain agreement with the said Company.

Whereas The Montreal Reduction and Smelting Company, Limited, has signified its intention of locating in the Township of Widdifield, and has proposed to establish and operate within the said Township its smelting, reducing and refining plant on condition that the said Township grant an exemption from taxation on the terms and conditions set out in the agreement bearing date the twenty-second day of September, 1906, made between this Corporation and the said Company, a copy whereof is attached hereto marked "A";

And whereas the said Company will employ a large number of men and will expend large sums of money in the said Township;

And whereas the establishment of the said works will be greatly in the interest of the said Township;

Therefore the Municipal Corporation of the Township of Widdifield enacts as follows:—

1. It shall and may be lawful for the Corporation of the Township of Widdifield to enter into the said agreement with the said Company, and the Reeve and Clerk of the said Corporation are hereby authorized and instructed by and on behalf of the Corporation of the Township of Widdifield and under the corporate seal of the said Township to execute the said agreement "A" attached hereto, and to do all things necessary to carry out the terms thereof.

2. The works, buildings, plant, machinery, real and personal property of the said The Montreal Reduction and Smelting Company, Limited, actually used in connection with the smelting, reducing and refining ores in the said Township, subsidiary work, building, plant, which may hereafter be established by the said Company and used by it for manufacturing purposes shall be exempt from all municipal taxation (except taxation for school purposes) for a period of twenty years from and after the first day of January, 1907;

Provided, however, that such exemption shall cease upon the Company failing to carry out the terms of the said agreement. In case any part of the said lands shall be used for dwelling houses or for any purpose not connected with the manufacturing business of the said Company, such part or parts of said land then and so long as used for such purposes shall be assessed as if this by-law had not been passed and shall not be exempt from taxation.

3. That this by-law shall take effect on the day of the final passing thereof.

4. The votes of the electors of the Township of Widdifield entitled to vote thereon shall be taken under this by-law on Friday, the 19th day

day of October, 1906, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon at the following places and by the Deputy Returning Officers hereinafter mentioned, that is to say:—At Daniel Howatt's for that part of the Township lying east of the line between lots 12 and 13, and at the town hall for that part of the Township lying west of the said line between lots 12 and 13, and that W. J. Simmens be Deputy Returning officer at Daniel Howatt's and J. A. Carmichael at the town hall.

5. That on the twenty-eighth day of September, 1906, at the town hall in the said Township at eleven o'clock in the forenoon, the Reeve shall, in writing signed by him, appoint one person to attend to each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number of persons to attend on behalf of those interested in opposing the passing of this by-law, and two persons to attend to the final summing up of the votes by the Clerk of the Municipality on behalf of the persons interested in and desirous of promoting and opposing the passing of this by-law.

The 27th day of October, 1906, at the town hall aforesaid, is hereby appointed for the summing up by the Clerk of this Corporation of the number of votes for and against this by-law respectively.

Schedule "A" referred to in By-law No. 128 for the Township of Widdifield, granting exemption of taxes to the Montreal Reduction and Smelting Company.

Memorandum of Agreement made and entered into this 22nd day of September, in the year of our Lord one thousand nine hundred and six, between The Montreal Reduction and Smelting Co., of the first part, and the Corporation of the Township of Widdifield, in the District of Nipissing, hereinafter called The Corporation, of the second part.

Whereas the Company purposes to engage in the business of smelting, reducing and refining ores and has agreed with the Corporation to commence and establish its business in the Township of Widdifield and has applied for exemption from taxes to the extent and in the manner hereinafter set forth:—

Now it is hereby agreed between the parties hereto in the manner following, that is to say: First, the Municipal Council of the said Corporation shall cause to be submitted to the vote of the ratepayers of the said Township of Widdifield, as soon as conveniently may be, a by-law authorizing a grant to the said Company in the manner following: To grant the said Company exemption from all municipal taxation, save and except taxation for school purposes, for a period of twenty years from and including the first day of January, 1907, on the property, real and personal, used in connection with or as appurtenances to the said manufacturing business of the Company in the Township of Widdifield, it being understood that the said exemption shall not be admitted to extend to any lands, buildings or property, real or personal, not actually used for the purpose of smelting, reducing or refining said ore;

And if the said by-law is carried, the Corporation agrees with the said Company to finally pass the same and carry out the provisions thereof.

The Company agrees with the Corporation to forthwith proceed to erect in a good and workmanlike manner suitable buildings, plant, machinery and appliances necessary for the smelting, reducing and refining ores of all kinds, such buildings, plant and machinery to cost at least \$500,000, and to have a capacity of at least 500 tons per day of twenty-four hours.

The Company further agrees that in case any part or parts of said lands shall be used for the purpose of dwelling houses, or for any purpose not connected with the manufacturing business of the

Company

Company, that part of land so used shall be assessed and taxed as if this agreement had not been given, or in case the Company ceases to operate its said plant for a period of more than six months at any one time, then and in every such event, the whole of the said land shall be assessed and taxed as if this agreement had not been given.

This agreement shall be binding upon the said Corporation only in the event of the assent of the electors thereof being duly given in the manner required by law.

This agreement shall be binding upon and enure to the benefit of the present Company only, and if the aforesaid property is sold or transferred to another Company then this agreement shall be null and void.

In witness whereof the said parties hereto have hereunto affixed their hands and seals the day and year first written above.

CHAPTER 120.

An Act respecting The City of Windsor.

Assented to 14th April, 1908.

Preamble.

WHEREAS the Corporation of the City of Windsor has by its petition prayed for special legislation in respect to the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Payment of
excess of cost
of certain
pavements
opposite street
intersections
and exempt
property.

1. Notwithstanding anything contained in paragraph IX of By-law No. 982, of the Corporation of the City of Windsor, passed on the 21st day of August, 1899, and confirmed by an Act passed in the 63rd year of the reign of Her late Majesty, Queen Victoria, Chaptered 108, or in the Act passed in the fifth year of His Majesty's reign, Chaptered 87, it is hereby declared that where any portion of any street has been or may be paved with asphalt, brick or other durable material rather than with macadam, under the provisions mentioned in the second section of such last mentioned Act, the city shall bear and pay for so much of the cost of such other kind of pavement at street intersections and opposite property exempt from assessment as is in excess of the cost of construction of macadam, and the council of the said city may pass a by-law or by-laws authorizing the issue of debentures either in one or two sets (a) for the amount of such excess of cost as well as (b) for the excess of the cost of such other kind of pavement over the cost of macadam on the remainder of such portion of street which is to be borne and paid for by the owners of the property abutting thereon, and such debentures shall be payable in ten annual instalments, bearing interest at a rate not exceeding five per cent. per annum, and shall be of such respective amounts that the sums payable for principal and interest in each of the ten years shall be equal.

as

as nearly as may be, and the debentures issued in respect of the excess of cost to be borne by the owners of the abutting property may be further guaranteed by the municipality at large.

2. By-law Number 1,223 of the City of Windsor, passed on the 11th day of March, 1907, to raise by way of loan the sum of \$24,360.68 to pay for the cost of certain improvements therein mentioned, being in excess of the cost of the pavement constructed on portions of Bruce Avenue, Mercer Street and Aylmer Avenue, over the cost of macadam, and to issue debentures for the said amount payable in ten annual instalments, with interest, at the rate of four and one-half per cent. per annum, and all debentures issued or to be issued thereunder and all assessments made or to be made for the payment thereof are hereby declared legal, valid and binding upon the said Corporation and the rate-payers thereof.

By-law 1223
confirmed

CHAPTER 121.

An Act respecting the Township of York.

Assented to 14th April, 1908.

Preamble.

WHEREAS the Municipal Corporation of the Township of York has by petition prayed for special legislation in respect of the matters hereinafter set forth; and whereas the said Municipal Corporation agreed with Clarke & Clarke, Limited, that the annual assessment of the lands, buildings, stock-in-trade, plant, machinery, fixtures and other personal property of the said company situate within the Township of York should be fixed at thirty-five thousand dollars exclusive of business tax and school tax for a period of ten years from the first day of January, 1908, and pursuant to said agreement By-law No. 2095 of the said Municipal Corporation was passed; and whereas the said company, acting on the faith of the said agreement and by-law, are erecting and equipping buildings, factories and works in the said Township of York for carrying on the business of leather manufacturers, in which a large number of workmen will be employed, which will be of considerable benefit to the said Township of York; and whereas the said by-law has not been moved against, nor has any objection been made to the said by-law; and whereas it appears to be desirable and expedient that the said by-law should be confirmed and validated; and whereas, subject as is hereinafter provided, it is expedient to grant the prayer of the said petition respecting the said by-law and otherwise as hereinafter set forth;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law No. 2095
of Township of
York con-
firmed.

1.—(1) Subject to the provisions of subsection 2 of this section, By-law No. 2095 of the Corporation of the Township of York, set out in Schedule "A" to this Act, is hereby ratified and confirmed, and declared to be legal and binding on the said Township of York and the ratepayers thereof.

(2)

(2) Notwithstanding anything contained in the said by-law, the lands and property of the said Company shall for school purposes and for local improvements be assessed and liable to taxation in each and every year in the same manner as if the said by-law had not been passed, and for other purposes the said by-law shall be and remain in force for a period of ten years only, from the first day of January, 1908, and shall have no force or effect after the expiration of the said period of ten years.

Taxation for
school pur-
poses, etc.

SCHEDULE "A."

BY-LAW No. 2095.

A By-law providing that the assessment of the land and property hereinafter described may be fixed at \$35,000 per annum for a period of ten years.

Whereas the firm of Clarke & Clarke, Limited, of the Township of York, in the County of York, have by their petition represented that their said Company is now seized of the lands and premises hereinafter described and that a large sum of money has been and will be expended by the said Company upon the said lands in erecting buildings thereon and in installing therein the necessary machinery and plant for the purposes of the business there carried on under the name "Clarke & Clarke, Limited;"

And whereas the said Company has by its petition requested that a by-law be passed providing that the annual assessment of the said lands and other property be fixed at not more than the sum of thirty-five thousand dollars each year for a period of ten years, to be computed from the first day of January, 1908;

And whereas it appears expedient to accede to said request, be it therefore enacted by the Municipal Council of the Corporation of the Township of York.

1. That all and singular that certain parcel or tract of land and premises owned by the said Company situate, lying and being in the Township of York, in the County of York, and being composed of part of block three, according to plan No. 767, registered in the Registry Office for the County of York, being a subdivision of part of lot number twenty-seven in the second concession from the Bay in the said Township of York, and more particularly described as follows:—Commencing at a point on the easterly limit of Christie Street, distant one hundred and thirty-nine feet, more or less, measured northerly along the said eastern boundary from the south-west angle of said block three, at a point where the northerly limit of the lands conveyed by one Turner to Henry G. P. Nicholis, by deed registered as No. 53350, intersects the easterly limit of said Christie Street, thence easterly along a line drawn parallel to the southern limit of said block three, a distance of five hundred and forty-two feet, more or less, to a point distant thirty-three feet westerly from the easterly limit of said block three, measured along the production of said line, and said line, being the northerly limit of the right of way of the Niagara Electric Power Company, thence northerly and parallel to the eastern limit of said block three, three hundred and six feet to a stake, thence westerly and parallel to the southerly limit of said block three, five hundred and thirty-five feet, more or less, to the eastern limit of said Christie Street, in the Township of York, thence southerly along the eastern limit of Christie Street, three hundred and six feet, more or less, to the point of commencement; together

with all buildings, stock-in-trade, plant, machinery, fixtures and materials now or hereafter thereon or therein, and all other personal and other assessable property of the said Company for a period of ten years, to be computed from the first day of January, A.D. 1908, shall be annually assessed for all purposes, *en bloc*, at the sum of thirty-five thousand dollars and no more, as a fixed assessment, exclusive of business tax in respect of the said business, and exclusive of school tax, and the said lands, premises and property shall be for such time exempt from any special assessment for any improvements or works of that class of improvements or works where the cost thereof or any part thereof is or would otherwise be charged against the lands specially benefited thereby, except in respect of any local improvement rates heretofore assessed against the said lands.

2. In case any part or parts of said lands be used for the purpose of dwelling houses, or for any purposes not connected with the business of the Company, such part or parts when and as long as used for such purposes shall be assessable as if this by-law had not been passed; Provided, however, that a caretaker's cottage, which may hereafter be erected, shall be covered by the above assessment; and provided also that the said fixed assessment shall not be increased by reason of any portion of the factory premises erected by the said firm of Clarke & Clarke, Limited, being leased and used for any purpose other than that of their own business. In the event of the destruction of the said buildings or property, or any part thereof, so that the value of the same with the said lands and other property shall not be equal to the said sum of thirty-five thousand dollars, the assessment shall be made while such value is under thirty-five thousand dollars as if this by-law had not been passed.

3. The assessors and other officers making such assessment are hereby authorized and required to so make their assessment and returns as to conform to the provisions of this by-law.

4. Application shall be made at the cost and expense of the said Company by the said Company, or by the said Corporation to the Legislature of the Province of Ontario to confirm this by-law and to carry the provisions thereof into effect, and if such application be made by the said Company the said Municipal Corporation will give its consent thereto.

5. On such legislation being obtained this by-law shall come into effect.

Passed 16th September, 1907.

GEO. S. HENRY,
Reeve.

W. A. CLARKE,
Clerk.

(Seal)

CHAPTER 122.

An Act respecting The Canada Central Railway Company.

Assented to 14th April, 1908.

WHEREAS The Canada Central Railway Company Preamble. has by petition set forth that, by an Act passed in the second year of the reign of His Majesty, Chaptered 69, intituled *An Act to incorporate The Canada Central Railway Company*, the time for the commencement of the said railway was fixed at three years, and the time for completion at seven years from the date of the said Act; and whereas by an Act passed in the third year of the reign of His Majesty, Chaptered 92, intituled *An Act to amend the Act incorporating The Canada Central Railway Company*, the said Company was authorized to lay out, construct and operate the lines of railway therein mentioned; and whereas the said Company expended a large sum of money in connection with the commencement of the said railway; and whereas by an Act passed in the fifth year of the reign of His Majesty, Chaptered 90, intituled *An Act respecting The Canada Central Railway Company*, the said Company was authorized to construct and operate lines of railway in addition to those it was already authorized to lay out, construct and operate; and whereas the respective times fixed by said Act of Incorporation for the commencement of said railway, and the completion thereof were changed by the said last mentioned amending Act, which provided for the commencement of construction within one year and for completion of the said railway within three years, from the date of said amending Act, and thereby reduced by one year the time fixed for the said completion; and whereas the said Company has expended a large sum of money in connection with the construction of the said lines; and whereas, owing to engineering difficulties and consequent delay in locating the permanent lines of the said railway, the said Company has been unable to complete the construction of the said railway or to do all the work within the reduced time fixed by the

the said last mentioned amending Act; and whereas it is necessary that the time for completion prescribed by such last mentioned amending Act should be extended; and whereas the said Company has by the said petition prayed that an Act may be passed for the purposes set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Expenditure to satisfaction of Ontario Railway and Municipal Board to be made by August 15th, 1908.

1. The said Company shall prove to the satisfaction of The Ontario Railway and Municipal Board on or before the 15th day of August, 1908, that it has expended or has made satisfactory arrangements to expend a sufficient sum of money on the construction of the said railway from Sudbury to Little Current, as makes it manifest to the said Board that the said Company will complete the said railway from Sudbury to Little Current within the time limited by this Act, otherwise the powers granted to the Company by the said Acts and by this Act shall cease and be null and void.

5 Edw. VII.
c. 90 s. 2, subs.
1 and 2
amended.

2. Subject to the provisions of the preceding section, subsection one of section 2 of the Act passed in the fifth year of His Majesty's reign, Chaptered 90, is amended by changing the word "three" to "five" in the second line thereof; and subsection 2 of said section 2 is amended by striking out the words "the said two" in the fifth and sixth lines thereof and inserting in lieu thereof the word "five."

5 Edw. VII.
c. 90, s. 12
amended.

3. Section 12 of the said Act, Chaptered 90, is amended by adding the words "as amended" after the words "this Act" in the fourth line thereof, and after the word "subsection" in the fifth line thereof.

Application of provisions of 6 Edw. VII., c. 30.

4. The provisions of *The Ontario Railway Act, 1906*, shall apply to the said Company and the railway constructed or to be constructed by it.

CHAPTER 123.

An Act respecting The Dunnville, Wellandport and Beamsville Electric Railway Company.

Assented to 14th April, 1908.

WHEREAS The Dunnville, Wellandport and Beams-
ville Electric Railway Company has by petition Preamble.
represented that the said Company was incorporated under
the name of "The Dunnville, Wellandport and Beamsville
Electric Railway Company" by an Act passed in the sixth
year of His Majesty's reign, Chaptered 107, for the pur-
pose of constructing and operating an electric railway from
some point at or near the Village of Port Maitland, in the
County of Haldimand, through the Township of Dunn,
the Town of Dunnville, and the Townships of Moulton and
Canborough in the County of Haldimand; the Township of
Wainfleet, in the County of Welland; the Townships of
Gainsborough and Clinton, in the County of Lincoln, to
some point in or near the Village of Beamsville, in the
County of Lincoln, and a branch from some point on the
main line through the said Townships of Gainsborough,
Clinton and Pelham, to some point at or near the Village
of Fenwick, in the said Township of Pelham; and whereas
the said Company has by its petition prayed that the pro-
posed line of railway be extended from the Town of Dunn-
ville through the Townships of Dunn, South Cayuga,
Rainham and Walpole, in the County of Haldimand, and
the Township of Woodhouse, in the County of Norfolk, to
the Village of Port Dover in the County of Norfolk, and
that the time for the commencement and completion of its
undertaking be extended; and whereas it is expedient to
grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. The said The Dunnville, Wellandport and Beams-
ville Electric Railway Company is hereby authorized and
empowered Extension of
railway
authorized.

empowered to lay out, construct, equip, maintain and operate by electricity, an extension of the Company's railway from the Town of Dunnville through the Townships of Dunn, South Cayuga, Rainham and Walpole, in the County of Halidmand; and the Township of Woodhouse, in the County of Norfolk, to the Village of Port Dover, in the County of Norfolk.

Time for commencement and completion authorized.

6 Edw. VII., c. 30.

2. Notwithstanding anything contained in *The Ontario Railway Act, 1906*, the railway authorized by the said Act passed in the sixth year of His Majesty's reign, Chaptered 107, and by this Act shall be commenced within two years from the passing of this Act and completed within four years from the passing of this Act, and if the construction of the railway is not commenced, and fifteen per cent. of the amount of the capital stock is not expended thereon within two years from the passing of this Act, or if the railway is not completed and put in operation within four years from the passing of this Act, then the powers granted to the said company by the said Act passed in the sixth year of His Majesty's reign, Chaptered 107, and by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

6 Edw. VII., c. 107 confirmed.

3. Save and except as herein provided, the said Act passed in the sixth year of His Majesty's reign, Chaptered 107, is hereby confirmed and declared to be and to have been from the date of the passing of the said Act in force, and all acts and proceedings of the said Company, or of the provisional directors thereof within their powers, are, notwithstanding informalities (if any), declared valid, binding and of full force and effect.

CHAPTER 124.

An Act to amend certain Acts respecting The Fort Erie Ferry Railway Company.

Assented to 14th April, 1908.

WHEREAS The Fort Erie Ferry Railway Company was Preamble. incorporated by an Act passed in the 50th year of the reign of Her Late Majesty Queen Victoria, Chaptered 76, as amended by an Act passed in the 54th year of the reign of Her late Majesty Queen Victoria, Chaptered 86, as amended by an Act passed in the 58th year of the reign of Her late Majesty Queen Victoria, Chaptered 96, as amended by an Act passed in the 60th year of the reign of Her late Majesty Queen Victoria, Chaptered 85, as amended by an Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, Chaptered 15, as amended by an Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, Chaptered 111, and as further amended by an Act passed in the 2nd year of His Majesty's reign, Chaptered 73, and has by its petition prayed that an Act may be passed extending the time for the commencement and completion of the railway authorized under the said Acts passed in the 54th year of the reign of Her late Majesty Queen Victoria Chaptered 86, and in the 58th year of the reign of Her late Majesty Queen Victoria, Chaptered 96, and in the 60th year of the reign of Her late Majesty Queen Victoria, Chaptered 85; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 2 of the Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, Chaptered 15, 63 Vic. c. 15, s. 2 and 2 Edw. VII, c. 75, s. 2 repealed. and section 2 of the Act passed in the 2nd year of His Majesty's reign, Chaptered 75, are repealed.

2. Notwithstanding anything contained in the said Acts Time for commencement and passed in the 54th year of the reign of Her late Majesty ing and Queen

completing
extensions.

Queen Victoria, Chaptered 86, in the 58th year of the reign of Her late Majesty Queen Victoria, Chaptered 96, and in the 60th year of the reign of Her late Majesty Queen Victoria, Chaptered 85, or in *The Ontario Railway Act, 1906*, the branch of the railway from its present westerly terminus to Crystal Beach in the Township of Bertie, authorized by the said Act passed in the 54th year of the reign of Her late Majesty Queen Victoria, Chaptered 86, and the branch of the said railway from Crystal Beach to the Village of Ridgeway, authorized by the said Act passed in the 60th year of the reign of Her late Majesty Queen Victoria, Chaptered 85, shall be commenced and completed within three years from the passing of this Act; and the extension of the said railway from Crystal Beach through the southerly portions of the Townships of Bertie and Humberstone to Port Colborne authorized by the said Act passed in the 58th year of the reign of Her late Majesty Queen Victoria, Chaptered 96, and the extension from Fort Erie through the eastern portions of the Townships of Bertie and Willoughby to Bridgeburg and Chippewa authorized by the Act passed in the 60th year of the reign of Her late Majesty Queen Victoria, Chaptered 85, shall be commenced and completed within five years from the passing of this Act, and if the construction of the said railway from its present westerly terminus to Crystal Beach in the Township of Bertie and of the branch of the said railway from Crystal Beach to the Village of Ridgeway, authorized by the said Acts passed in the 54th year of the reign of Her late Majesty Queen Victoria, Chaptered 86, and in the 60th year of the reign of Her late Majesty Queen Victoria, Chaptered 85, respectively, are not commenced, completed and put in operation within three years from the passing of this Act; and if the construction of the extension of the said railway from Crystal Beach through the southerly portions of the Townships of Bertie and Humberstone to Port Colborne, and the extension thereof from Fort Erie through the eastern portions of the Townships of Bertie and Willoughby to Bridgeburg and Chippewa authorized by the said Acts passed in the 58th year of the reign of Her late Majesty Queen Victoria, Chaptered 96, and in the 60th year of the reign of Her late Majesty Queen Victoria, Chaptered 85, respectively, are not commenced, completed and put in operation within five years from the passing of this Act, and if fifteen per cent. of the estimated cost of the last mentioned extension to Bridgeburg and Chippewa is not expended thereon within one year from the passing of this Act, then the powers granted to the company by the said Acts and by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

6 Edw. VII, c.
30 to apply.

3. The provisions of *The Ontario Railway Act, 1906*, shall apply to the said Company and the railway constructed or to be constructed by it.

CHAPTER

CHAPTER 125.

An Act respecting The Guelph Radial Railway Company

Assented to 14th April, 1908.

WHEREAS The Guelph Railway Company was incor-^{Preamble.}
porated by an Act passed by the Legislature of
the Province of Ontario in the 58th year of the reign of
Her late Majesty, Queen Victoria, Chaptered 98, as
amended by an Act passed in the 1st year of His Majesty's
reign, Chaptered 79, and as further amended by an Act
passed in the 3rd year of His Majesty's reign, Chaptered
95, whereby the name of the said Company was changed
and the corporate name of the Company declared to be
The Guelph Radial Railway Company, and certain further
powers conferred upon the Company; and whereas by an Act
passed in the 5th year of His Majesty's reign, Chaptered 91,
the said Act was further amended and it was among other
things provided in such last mentioned Act, that the time
for the commencement and completion of the branches of
the railway authorized by the said Acts relating to the
Company passed in the 1st and 3rd years of His Majesty's
reign, be extended for a period of three and five years
respectively and whereas the Company has by its petition
prayed that an Act may be passed further extending the
time for the commencement and completion of the con-
struction of the several branch lines of the said railway
heretofore authorized to be constructed by the said Act
passed in the 1st year of His Majesty's reign, Chaptered
79, and the said Act passed in the 3rd year of His Majesty's
reign, Chaptered 95, and that the Acts relating to the
Company may be otherwise amended as hereinafter set
forth; and whereas it is expedient to grant the prayer of
the said petition;

Therefore His Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:--

Time for completion of branch railways.

1. Notwithstanding anything to the contrary contained in section 2 of the Act passed in the 5th year of His Majesty's reign, Chaptered 91, the branches of the railway authorized by the Act passed in the 1st year of His Majesty's reign, Chaptered 79, and by the Act passed in the 3rd year of His Majesty's reign, Chaptered 95, shall be commenced within three years and completed within five years after the passing of this Act; and if the construction of the said branches of the railway authorized by said Acts is not commenced within three years after the passing of this Act, or if the said branches of the railway authorized by the said last mentioned Acts are not completed and put in operation within five years from the passing of this Act, then the powers with respect to said branches of the railway granted to the Company by the said Acts passed in the 1st year of His Majesty's reign, Chaptered 79, and in the 3rd year of His Majesty's reign, Chaptered 95, and by this Act, shall cease and be null and void as respects so much of the said branches of the railway as then remains uncompleted.

1 Edw. VII.,
c. 79, s. 1,
amended.

2. Section 1 of the said Act, Chaptered 79, is hereby amended by inserting the following words after the word "Hespeler" in the 13th line of the said section "with power first to construct and operate the part of such loop line extending from a point on the direct line to Hespeler southeasterly through such township or townships to or near Puslinch Lake."

Power to buy electrical power from Hydro-Electric Commission.

3. The company shall have power to contract for a supply of electric power or energy under *The Power Commission Act*, for the purposes of the company.

Application of 6 Edw. VII.,
c. 30.

4. The provisions of *The Ontario Railway Act, 1906*, except where inconsistent with the provisions of said Acts shall apply to the said Company and the railway constructed or to be constructed by it.

CHAPTER 126.

An Act respecting The Hamilton and Guelph Junction Railway Company.

Assented to 14th April, 1908.

WHEREAS The Hamilton and Guelph Junction Rail-^{Preamble}
way Company was incorporated by an Act passed
in the sixth year of His Majesty's Reign Chaptered 109,
for the purpose of constructing and operating a railway
from a point in or near the City of Hamilton, in the
County of Wentworth, and from thence through the Town-
ships of Flamboro' West and Flamboro' East, in the said
County of Wentworth, and the Township of Nassagaweya,
in the County of Halton, to some point in or near Guelph
Junction on the line of The Ontario and Quebec Railway,
in the said Township of Nassagaweya; and whereas the said
Company has by its petition prayed that the time for the
commencement and completion of the railway be extended,
and that the railway may be operated by steam or elec-
tricity or both steam and electricity; and whereas it is
expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of On-
tario, enacts as follows:—

1. Notwithstanding anything contained in *The Ontario*^{Time for com-}
Railway Act, 1906, the railway authorized by the said Act^{mencement}
passed in the 6th year of His Majesty's Reign, Chaptered^{and comple-}
109, shall be commenced within two years from the passing^{tion.}
of this Act and completed within four years from the pass-^{6 Edw. VII.,}
ing of this Act, and if the construction of the railway is^{c. 30.}
not commenced within two years and fifteen per cent. of
the amount of the capital stock is not expended thereon
within three years from the passing of this Act, or if the
railway is not completed and put in operation within four
years from the passing of this Act, then the powers granted
to the Company by the said Act passed in the sixth year
of His Majesty's reign, Chaptered 109 and by this Act
shall cease and be null and void as respects so much of the
railway as then remains uncompleted.

2. The railway of the said Company may be operated by^{Operation by}
steam or electricity, or both steam and electricity.^{steam or}
^{electricity.}

CHAPTER

CHAPTER 127.

An Act to incorporate The Iron Range Railway Company.

Assented to 14th April, 1908.

Preamble.

WHEREAS John Thomas Horne, Manufacturer, William Henry Hamilton, Physician, and George Alexander Graham, Lumberman, all of the City of Fort William, in the District of Thunder Bay; John Jacob Drew, of the City of Guelph, in the County of Wellington, Barrister-at-Law, and William Arthur Dowler, of the Town of Tillsonburg, in the County of Oxford, Barrister-at-law, have by their petition prayed for an Act of incorporation under the name of "The Iron Range Railway Company," for the purpose of constructing and maintaining a railway to be operated by steam or electricity from the Lake of the Woods, to Thunder Bay, in or near Fort William, and across the Lake of the Woods westerly to the Manitoba boundary, together with a branch line from the main line to the Canadian Pacific Railway, and also a branch line from the main line to the international boundary line between Ontario and Minnesota, and have by their petition further represented that the country through which the proposed railway is to be constructed is almost altogether undeveloped and unsettled, and that for the purposes of aiding in the construction of the said railway and in the development of the country to be served thereby, special powers and privileges for the purpose of such development are required; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation.

1. The said John Thomas Horne, William Henry Hamilton, George Alexander Graham, John Jacob Drew, and William Arthur Dowler and such other persons, firms and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic

politic under the name of "The Iron Range Railway Company," hereinafter called "the Company."

2. The Company is hereby authorized and empowered to lay out, construct, equip, maintain and operate by steam or electricity or part by one and part by the other, a railway from the Lake of the Woods to Thunder Bay in or near Fort William by the most feasible route and westerly across the Lake of the Woods by the most feasible route to the Manitoba boundary, together with a branch line from the main line of the proposed railway to the Canadian Pacific Railway, and a branch line from the main line to the international boundary between Ontario and Minnesota, and to construct, equip, maintain and operate in like manner other branch lines from the main line or above branches, none of which are to exceed twelve miles in length.

Location of
lines.

3. The persons named in section 1 of this Act shall be the Provisional Directors of the Company.

Provisional
directors.

4. The number of Directors shall be not less than five and not more than nine.

Directors.

5. The capital stock of the said Company shall be one million dollars.

Capital stock.

6. The head office of the Company shall be at the City of Fort William.

Head office.

7. The Company may also, for the purposes of and in connection with its undertaking in the Districts of Rainy River and Thunder Bay as heretofore constituted.

General
powers.

(a) Construct, equip, maintain and operate bridges on the line of railway for general traffic purposes and exercise the rights, powers and privileges usually exercised and enjoyed by bridge companies, including the right to tolls for the use of such bridges;

(b) Acquire the plant and property for and carry on the business of an express company;

(c) Construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof or any part of said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being Chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no

poles

poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone, and collect tolls for so doing.

- (d) Build, acquire, maintain, operate and dispose of hotels, parks, restaurants, and amusement resorts;
- (e) Enter into agreements with municipalities and other companies carrying on any business hereby authorized touching any matter or matters connected with the carrying out of the purposes and objects of the Company as herein specifically set forth.

Time for commencement and completion.

8. The railway authorized by this Act shall be commenced within three years and completed within seven years from the passing of this Act; and if the construction of the railway is not commenced and fifteen per cent. of the amount of the capital stock is not expended thereon within three years from the passing of this Act, or if the railway is not completed and put in operation within *six* years from the passing of this Act then the powers granted to the company by said Acts and by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Agreements with other lines.
6 Edw. VII., c. 30.

9. Subject to the provisions of *The Ontario Railway Act, 1906*, the Company may enter into agreements with the Grand Trunk Pacific Railway Company, the Canadian Pacific Railway Company, the Canadian Northern Railway Company, and any other railway or transportation company which may be constructed and operated in any portion of the country to be served by the proposed undertaking hereby authorized for any of the purposes specified in section 58 of *The Ontario Railway Act, 1906*.

Bonding powers.

10. The company may issue bonds, debentures or other securities to the extent of \$50,000, per mile of railway constructed or under contract to be constructed.

Issuing securities for works other than the line.

11. The Company may in addition from time to time issue bonds, debentures, perpetual or terminal, debenture stock or other securities for the construction or acquisition of any vessels, properties, works or assets, other than the railway, which the Company is authorized to construct, acquire, operate, or make use of, but such bonds, debentures, perpetual or terminal, debenture stock or other securities shall

not

not exceed in amount the value of such vessels, properties, works or assets.

12. For the purpose of securing the issue and payment of such bonds, debentures, debenture stock or other securities the Company may execute mortgages on such property, assets, rents and revenues of the Company other than the railway present or future as is therein described. The provisions of *The Ontario Railway Act, 1906*, relative to the issue of such securities in respect to the railway shall, as far as they are applicable, apply to such bonds, debentures, debenture stock, or other securities or mortgages in respect of such properties, works, assets, rents, and revenue other than the railway. Mortgage to secure bonds

13. The provisions of *The Ontario Railway Act, 1906*, except where inconsistent with the provisions of this Act, shall apply to the said Company and the railway constructed or to be constructed by it. Application of 6 Edw. VII. c. 30.

CHAPTER 128.

An Act respecting The Lac Seul, Rat Portage, and
Keewatin Railway Company.*Assented to 14th April, 1908.*

Preamble.

WHEREAS Charles Walter Chadwick, Manager; Alexander Mason Rose, Accountant; Alfred Joseph Parsons, Agent, and John Farquhar McGillivray, Barrister-at-Law, all of the Town of Kenora, in the District of Rainy River, and John Thomas Horne, of the City of Fort William, in the District of Thunder Bay, Lumberman, and George Herbert Draper, of the City of New York, United States of America, Esquire, and John Henry Whitehead, of the City of Toronto, in the County of York, Estate Agent, have by their petition prayed for an Act declaring the Act passed in the third year of His Majesty's reign, Chaptered 102, and an Act amending the same passed in the fourth year of His Majesty's reign, Chaptered 80, and all powers and rights thereby created to be in full force and virtue and amending said Act and extending the time for the commencement and completion of the said railway and branches or for the re-incorporation of the said company with the powers, rights, and privileges granted by the said Act, passed in the 3rd year of His Majesty's reign, Chaptered 102, and the said amending Act, passed in the 4th year of His Majesty's reign, Chaptered 80, and hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Edw. VII., c
102, s. 57, re-
pealed.

1. Section 57 of the Act passed in the third year of His Majesty's reign, Chaptered 102, is repealed and the said Act of incorporation declared to be and to have continued in force and the said company thereby incorporated is hereby authorized and empowered to exercise and given and granted all the powers, rights, and privileges by the said Act of incorporation as amended by the Act passed in the fourth year of His Majesty's reign, Chaptered 80, conferred

conferred upon it, subject only to the provisions hereinafter contained, and the said Charles Walter Chadwick, Alexander Mason Rose, Alfred Joseph Parsons, John Farquhar McGillivray, John Thomas Horne, George Herbert Draper, and John Henry Whitehead are empowered to exercise, and given and granted all the powers, rights, and privileges conferred by the said Acts upon the provisional directors therein named, subject as aforesaid to the provisions hereinafter contained.

2. Section 1 of the Act passed in the fourth year of His Majesty's reign, Chaptered 80, is hereby amended by inserting after the words "north westerly" the words "or northerly," and by adding to the section the following words: "and from a point at or near such junction to the northern boundary of Ontario at or near Separation Lake and a further line from a point at or west of the junction of the National Transcontinental Railway with the Lake Superior branch of the Grand Trunk Pacific Railway by the most feasible route to Lac Seul." 4 Edw. VII, c. 80, s. 1, amended.

3. Notwithstanding anything contained in *The Ontario Railway Act, 1906*, the railway authorized by the Act passed in the 3rd year of His Majesty's reign, Chaptered 102, as amended by the Act passed in the 4th year of His Majesty's reign, Chaptered 80, and by this Act shall be commenced within two years and completed within five years from the passing of this Act; and if the construction of the railway authorized by said Acts is not commenced and fifteen per cent. of the amount of the capital stock is not expended thereon within two years from the passing of this Act, or if the railway authorized by said Acts is not completed and put in operation within five years from the passing of this Act then the powers granted to the Company by said Acts and by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted. Time for commencement and completion.

4. The company may also, for the purpose of and in connection with its undertaking in the Districts of Rainy River and Thunder Bay as hereinbefore constituted General powers.

(a) Acquire, construct, maintain, operate and dispose of hotels, parks, restaurants and amusement resorts; To acquire hotels, parks etc.

(b) Acquire the plant for and carry on the business of an express company; To carry on express business.

5. The provisions of *The Ontario Railway Act, 1906*, except where inconsistent with the provisions of this Act, and of the Act passed in the 3rd year of His Majesty's reign, Chaptered 102, shall apply to the said Company and the railway constructed or to be constructed by it. Provisions of 6 Edw. VII, c. 30 to apply.

CHAPTER 129.

An Act to amend The Act to incorporate The Lake Superior, Long Lake and Albany River Railway Company.

Assented to 14th April, 1908.

Preamble.

WHEREAS The Lake Superior, Long Lake and Albany River Railway Company, hereinafter called the "company," was duly incorporated by an Act passed in the second year of His Majesty's reign, Chaptered 80, and by the said Act the said company was duly authorized and empowered to construct the railway and works in the said Act mentioned within the times in the said Act specified; and whereas large sums of money have been expended in making surveys and locating the southerly ten miles of the company's railway, plans of which have been duly certified by the Commissioner of Crown Lands and deposited in the office of the Provincial Secretary, and in doing certain construction work according to the said plans; and whereas by an Act passed in the fifth year of His Majesty's reign, Chaptered 95, in order to remove any doubts as to the sufficiency of the commencement of the said railway, the time for commencing was extended until three years from the 25th day of May, 1905, and for the completion of the said railway till five years from the said date; and whereas owing to the unsettled condition of the money market, the company has up to the present time been unable to complete satisfactory financial arrangements for the construction of the works contemplated by the said Act of incorporation; and whereas the time so limited for the commencement of the said railway will expire on the 25th day of May, 1908, and the company has prayed that in order to remove any doubts as to the sufficiency of the commencement of the said railway, the time for the commencement and also for the completion of the said railway may be extended; and whereas it has been represented that owing to the increased cost of labour and materials and the expensive character of the work it will be necessary to increase the bonding powers of the said company; and whereas it is expedient to grant the prayer of the said petition;

49a s.

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of the said Act is amended by striking out the figures "\$20,000" where the same appear in the fourth line of the said section and by inserting the figures "\$30,000" in lieu thereof.

2 Edw. VII.,
c. 80, s. 20,
amended.

2. The preamble and sections 1 and 4 of the said Act passed in the second year of His Majesty's reign, Chaptered 80, are amended by striking out the words "Samuel T. Clarke" where the same appear in the said preamble and sections.

2 Edw. VII.,
c. 80, ss. 1 and
4 amended.

3. Section 3 of the said Act passed in the 5th year of His Majesty's reign, Chaptered 95, is repealed.

5 Edw. VII.,
c. 95, s. 3,
repealed.

4. Notwithstanding anything contained in *The Ontario Railway Act, 1906*, the railway authorized by the Acts passed in the 2nd year of His Majesty's reign, Chaptered 80, and in the 5th year of His Majesty's reign, Chaptered 95, shall be commenced within two years and completed within four years from the passing of this Act; and if the construction of the railway authorized by said Acts is not commenced and fifteen per cent. of the amount of the capital stock is not expended thereon within two years from the passing of this Act, or if the railway is authorized by said Acts is not completed and put in operation within four years from the passing of this Act then the powers granted to the Company by said Acts and by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Time for
commence-
ment and
completion
extended.

5. The provisions of *The Ontario Railway Act, 1906*, shall apply to the said Company and the railway constructed or to be constructed by it

Application of
provisions of
6 Edw. VII.,
c. 30, to apply.

CHAPTER 130.

An Act to incorporate The Morrisburg Electric Railway Company.

Assented to 14th April, 1908.

Preamble.

WHEREAS Charles M. Willard, of the Township of Winchester, in the County of Dundas, locomotive engineer; Harvey Loughridge, of the same place, yeoman; Bradford Loughridge, of the same place, yeoman; Giles W. Bogart, of the Village of Chesterville, in the said County of Dundas, merchant, and Robert Merkley, of the Township of Williamsburgh, in said County of Dundas, yeoman, have by their petition prayed for an Act of incorporation under the name of "The Morrisburg Electric Railway Company," for the purpose of constructing and operating an electric railway from some point in the Village of Morrisburg, in the County of Dundas, passing through the said Village of Morrisburg, the Township of Williamsburgh, and the Township of Winchester, in the County of Dundas and in or near the Villages of Williamsburg and Winchester, to some point in or near the Village of Ormond in the said County of Dundas, with power to extend the said line from some point on the said main line in the said Township of Winchester passing in or near the Villages of Chesterville and Morewood to or near the Village of St. Therese in the said County of Dundas and with power to acquire, erect and operate hotels and sanitariums in connection with the running of said railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said Charles M. Willard, Harvey Loughridge, Bradford Loughridge, Giles W. Bogart and Robert Merkley, and such other persons and corporations as shall hereafter become shareholders in the said Company are hereby constituted a body corporate and politic under the name of "The Morrisburg Electric Railway Company."

2.

2. The said Company is authorized and empowered to Location of line. survey, lay out, construct, complete, equip and maintain a railway with double or single tracks, to be operated by electricity from some point in the Village of Morrisburg, in the County of Dundas, passing through the said Village of Morrisburg, the Township of Williamsburg and the Township of Winchester, in said County of Dundas, and near or through the Villages of Williamsburg and Winchester to some point in or near the Village of Ormond, in the said County of Dundas, and an extension thereof from a point on the main line through the said Township of Winchester passing in or near the Villages of Chesterville and Morewood to some point in or near the Village of St. Therese, in the said County of Dundas.

3. The said Charles M. Willard, Harvey Loughridge, Provisional directors. Bradford Loughridge, Giles W. Bogart and Robert Merkle, are constituted provisional directors of the Company.

4. The date of the annual meeting of the shareholders Annual meeting. shall be fixed by the by-laws of the Company.

5. The capital stock of the Company hereby incorporated Capital stock shall be \$500,000.

6. The board of directors of the Company shall consist Directors. of not less than five nor more than nine persons.

7. The head office of the said Company shall be at the Head office. Village of Morewood, in the said County of Dundas.

8. The Company may purchase land for and may erect, Hotels and sanitariums. maintain and operate hotels and sanitariums in connection with the said railway in the said County of Dundas.

9. The provisions of *The Ontario Railway Act, 1906*, Application of provisions 6 Edw. VII., c. 30. shall apply to the said Company and the railway to be constructed by it.

CHAPTER 131.

An Act respecting The Mount McKay and Kakabeka Falls Railway Company.

Assented to 14th April, 1908.

Preamble

WHEREAS The Mount McKay and Kakabeka Falls Railway Company was incorporated by Chapter 82 of the Acts passed in the fourth year of the reign of His Majesty for the purpose of constructing and maintaining a railway to be operated by electricity, compressed air, or other motive power approved by the Railway Committee of the Executive Council of Ontario, except steam, such railway to be run from, in, near or through lot 10X, Kakabeka Falls, in the District of Thunder Bay, in an easterly direction along or near the Kaministiquia River, through the Townships of Paipoonge and Neebing, and thence as described in the said Act to a point at or near Squaw Bay in the said District, and to be carried along and upon such public highways as might be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to any agreements made with such corporations, such railway to be completed within four years after the passing of the said Act; and whereas it was intended by the said Act to confer on the Company the power to construct and maintain such portions of its line of railway on the north and such portions on the south side of the Kaministiquia River as might be found expedient, and doubts have arisen as to whether such power was conferred by the said Act; and whereas the Municipal Council of the Township of Oliver has requested the company to construct its line of railway through the Township of Oliver; and whereas on the 15th day of May, 1907, a by-law, No. 257, was submitted to the ratepayers of the said Municipality of Neebing, authorizing the guarantee by the said municipality of the bonds of the company to an amount equal to \$10,000 per mile for every mile of railway constructed by the company within the said municipality during the next five years from the passing of the said by-law, not exceeding, however, twenty miles, and exempting the company and certain of its property within the municipality

municipality from all municipal taxation of the said municipality except school taxes for twenty-one years commencing with the year 1908, and the said by-law was finally passed by the Municipal Council of the Municipality of Neebing on the first day of June, 1907; and whereas doubts have lately been raised as to the validity of so much of the said by-law as provides for the said guarantee by reason of the fact that a majority of the ratepayers' votes in the Township of Blake was not in favour of the said by-law as required by section 5 of Chapter 60 of the Acts passed in the forty-ninth year of Her late Majesty's reign; and whereas in the Township of Neebing the number of votes in favour of the said by-law was 63, representing more than one-third of those entitled to vote thereon, and the number of votes in the said Township of Neebing against the said by-law was 4 only; and whereas the company had already constructed two miles of its railway in the said Township of Neebing and had in addition graded more than two miles of roadbed in the said township on the faith of the said by-law and before the same was in any manner called in question; and whereas the Company and the Municipal Council of the Municipality of Neebing are desirous that the said municipality be authorized on behalf of the Township of Neebing to guarantee the bonds of the company to an amount equal to \$10,000 per mile for every mile of railway constructed by the company within the Township of Neebing within the next two years from the date hereof not exceeding, however, four miles; and whereas by an Act passed at the present session the Corporation of the City of Fort William is given the right to build and operate or to allow any other person, party or corporation to build and operate street railway extensions within the city limits; and whereas by the said Act incorporating the company the time for completion of the company's railway was fixed at four years from the passing of the said Act; and whereas the company has by its petition prayed that it may be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to the provisions of its Act of incorporation, the company may construct and maintain such portion of its line of railway on the north of the Kaministiquia River and such portion on the south side as may be found expedient by the company; and subject as aforesaid the company may construct and maintain its line of railway through the Township of Oliver; provided, however, that this

Construction of line on north and south sides of Kaministiquia River and through Township of Oliver.

this section shall not be deemed to confer on the company any rights within the limits of the City of Fort William.

Authority to
repeal By-law
257 and to pass
by-law to
guarantee
bonds up to
\$10,000 a mile.

2.—(1) The Municipal Council of the Municipality of Neebing shall have power to repeal the said By-law No. 257 of the Municipality of Neebing, and upon the repeal thereof shall have power to enact a by-law without further submission of the question to the ratepayers providing for the guarantee by the said municipality of the due payment of the principal and interest of the bonds of the company to the extent of \$10,000 per mile for every mile of railway constructed by the company within the Township of Neebing within the next two years from the passing of this Act, including the mileage already constructed, but not exceeding in all four miles. The form in which the said guarantees shall be endorsed upon the bonds of the company, and the manner and times in and at which the same shall be executed on behalf of the Municipality of Neebing shall be determined by the Municipal Council thereof; provided, however, that the said guarantees shall be enforceable only against the Township of Neebing according to its present limits and shall not be enforceable against any other portion of the Municipality of Neebing.

(2) The said bonds shall bear date of the date of issue thereof, and shall be in sums of not less than one hundred dollars, and shall have coupons attached thereto for the payment of interest at the rate of five per cent. per annum, payable half-yearly, and such bonds shall be payable within twenty years from the day of issuing such bonds.

Power to enter
into agree-
ments with
Fort William
and Port
Arthur.

3. The company shall have power from time to time to enter into and carry out agreements with the Municipal Corporations of the Cities of Fort William and Port Arthur respectively for the construction and operation by the company of street railway extensions within the said cities respectively; provided, however, that no such agreement shall become operative until it has been confirmed by the votes of a majority of the ratepayers qualified to vote upon money by-laws in the city entering into the same who may vote upon the said agreement.

Power to
acquire run-
ning rights in
Port Arthur
and Port
William.

4. Upon the Corporation of the City of Fort William or the Corporation of the City of Port Arthur passing a by-law with the assent of a majority of the ratepayers thereof qualified to vote on money by-laws who vote upon the said by-law authorizing the company to acquire running rights over its street railway system, the company shall have the power to acquire such running rights on such terms as the Board of Commissioners to be appointed under Schedule "B" of the Act passed at the present session respecting the City

City of Fort William shall determine, or in case of dispute as shall be fixed by The Ontario Railway and Municipal Board.

5. Section 23 of the said Act passed in the fourth year of His Majesty's reign, Chaptered 82, is repealed.

⁴ Edw. VII.,
c. 82, s. 23,
repealed.

6. Notwithstanding anything contained in *The Ontario Railway Act, 1906*, the railway authorized by the said Act passed in the fourth year of His Majesty's reign, Chaptered 82, and by this Act, shall be completed within four years from the passing of this Act, and if the railway is not completed and put in operation within four years from the passing of this Act, then the powers granted to the said Company by the said Act passed in the fourth year of His Majesty's reign, Chaptered 82, and by this Act, shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Time for completion of
railway.

7. The provisions of *The Ontario Railway Act, 1906*, except where inconsistent with the provisions of this Act and of the Act passed in the fourth year of His Majesty's reign, Chaptered 82, shall apply to the said Company and the railway constructed or to be constructed by it.

Application of
⁶ Edw. VII.,
c. 39.

CHAPTER 132.

An Act respecting The North Lanark Railway Company.

Assented to 14th April, 1908.

WHEREAS The North Lanark Railway Company has by its petition represented that the said Company was incorporated by an Act passed in the sixty-second year of the reign of Her late Majesty, Queen Victoria, Chaptered 100; that by the said Act and by an Act passed in the third year of His Majesty's reign, Chaptered 107, the said Company was authorized to construct and operate a steam or electric railway from a point at or near lot number thirteen or lot number fourteen in the second concession of the Township of Blythefield in the County of Renfrew, thence passing through the Township of Bagot in the County of Renfrew, through the Townships of Darling and Pakenham in the County of Lanark, and through the Township of McNab in the County of Renfrew, to a point at or near the Village of Braeside, on the Ottawa River; thence continuing through the said Township of McNab to a point at or near the Town of Arnprior; thence continuing through the said Township of McNab, and through the Township of Fitzroy in the County of Carleton to a point at or near the Village of Fitzroy Harbour on the Ottawa River; thence continuing through the said Township of Fitzroy and through the Townships of Torbolton, March, Nepean and Gloucester in the County of Carleton, to the City of Ottawa; that it is the intention of the said Company to build the said railway in a substantial manner; that the building of the said railway is a necessity to a large portion of the country through which it passes and will open up for settlement a large area of Crown lands and afford transportation for minerals, timber, and other products which otherwise would remain unavailable and useless, besides rendering available several important water powers; that by the said Act passed in the third year of the reign of His Majesty it was enacted that the said railway should be completed within five years from the passing of the said Act; and
whereas

whereas the said Company has by the said petition prayed that the time for extending and completing the said railway may be extended for a further period of five years; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of the said Act passed in the third year of His Majesty's reign, Chaptered 107, is repealed.

3 Edw. VII.
c. 107, s. 6,
repealed.

2. Notwithstanding anything contained in *The Ontario Railway Act, 1906*, the railway authorized by the said Act passed in the third year of His Majesty's reign, Chaptered 107, shall be completed within five years from the passing of this Act, and if the railway is not completed and put in operation within five years from the passing of this Act, then the powers granted to the said company by the said Act passed in the third year of His Majesty's reign, Chaptered 107, and by this Act, shall cease and be null and void, as respects so much of the railway as then remains uncompleted.

Time for
completion.

3. The provisions of *The Ontario Railway Act, 1906*, except where inconsistent with the provisions of this Act and of the said Act passed in the third year of His Majesty's reign, Chaptered 107, shall apply to the said company and the railway constructed or to be constructed by it.

Provisions of
6 Edw. VII. c.
30, to apply.

CHAPTER 133.

An Act respecting the North Midland Railway Company.

Assented to 14th April, 1908.

Preamble.

WHEREAS the North Midland Railway Company was incorporated by an Act passed in the fourth year of His Majesty's reign, Chaptered 84, for the purpose of constructing and operating an electric railway between the points set out in the said Act; and whereas by an Act passed in the sixth year of His Majesty's reign, Chaptered 112, the time for the commencement and completion of said railway was extended for the period of two and four years respectively; and whereas the company has by its petition represented that on account of the financial stringency which has recently prevailed it has been unable to commence the construction of the railway, and has prayed that the time for the commencement and completion thereof be further extended; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

6 Edw. VII.,
c. 112, repealed.

1. Section 2 of the Act passed in the sixth year of His Majesty's reign, Chaptered 112, is repealed.

Time for com-
mencement
and comple-
tion.

2. The railway authorized by the said Acts and by this Act shall be commenced within two years and completed within three years after the passing of this Act; and if the construction of the railway is not commenced and fifteen per cent. of the amount of the capital stock is not expended thereon within two years after the passing of this Act, or if the railway is not completed and put in operation within three years from the passing of this Act, then the powers granted to the company by the said Acts and by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

CHAPTER

CHAPTER 134.

An Act respecting The Ontario Sault Ste. Marie
Railway Company.*Assented to 14th April, 1908.*

WHEREAS The Ontario Sault Ste. Marie Railway Preamble,
Company has by petition represented that the company was incorporated by an Act passed in the 44th year of the reign of Her late Majesty, Queen Victoria, Chaptered 68, with power to construct a railway from a point at or near Gravenhurst in the District of Muskoka or at such other point as the directors may determine, thence extending northerly to French River, thence westerly and northerly to Sault Ste. Marie and to some point on Lake Superior near Sault Ste. Marie in the District of Algoma, with power to build extensions south to connect with other railways and with power to build a branch or branches to Lake Nipissing and Lake Temiskamingue; that by an Act passed in the 50th year of the said reign, Chaptered 78, the time for the completion of the company's railway and branches was extended for six years from the 3rd day of March, 1887; that by an Act passed in the 3rd year of His Majesty's reign, Chaptered 109, the said Acts were revived and provision was made for the reorganization of the company and the time for the completion of the said railway was extended to five years from the 12th day of June, 1903; that considerable sums of money have been expended in organizing, preparing plans, making surveys, locating the line and for other purposes, but that owing to the state of the money market and to other causes including the delay in constructing the eastern division of the National Transcontinental Railway with which the company desires to obtain connection it has been impossible hitherto to proceed with the construction and completion of the said railway; that the company intends to construct and complete the said railway at the earliest possible time, and has now arranged for such construction and for the financing of the undertaking, and is desirous that the time for the completion of the said railway should be extended for a further period of *three* years; and whereas the said company has prayed that an Act may be passed to extend the time for the completion of
the

the said railway and to declare that the said Act of Incorporation as so amended is in force notwithstanding any neglect or default in complying with the provisions of the said amending Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

3 Edw. VII.,
c. 109, s. 20,
repealed.

1. Section 20 of the said Act passed in the 3rd year of His Majesty's reign, Chaptered 109, is repealed.

Time for
completion
extended.

2. Notwithstanding anything contained in the said Acts and in *The Ontario Railway Act, 1906*, the railway authorized by the said Acts shall be completed within three years from the passing of this Act, and if the railway is not completed and put in operation within three years from the passing of this Act, then the powers granted to the said Company by the said Acts shall cease and be null and void as respects so much of the railway as then remains uncompleted.

44 V., c. 68,
declared to be
in force.

3. The Act passed in the 44th year of the reign of Her late Majesty, Queen Victoria, Chaptered 68, as amended by the said Act passed in the 3rd year of His Majesty's reign, Chaptered 109, and by this Act is declared to be in force notwithstanding any neglect or default on the part of the company in complying with the provisions of the said Act passed in the 3rd year of His Majesty's reign, Chaptered 109, and except as provided by section 2 of this Act anything by the said amending Act required to be done may be done after the passing of this Act.

Application of
provisions of
6 Edw. VII.,
c. 30, to apply
except where
inconsistent
with 3 Edw.
VII., c. 109.

4. The provisions of *The Ontario Railway Act, 1906*, except where inconsistent with the provisions of the Act passed in the 3rd year of His Majesty's reign, Chaptered 109, shall apply to the said Company and the railway constructed or be constructed by it.

CHAPTER 135.

An Act respecting The Ontario West Shore Electric
Railway Company.*Assented to 14th April, 1908.*

WHEREAS The Huron, Bruce and Grey Electric Rail-^{Preamble.}
way Company was incorporated by an Act passed
by the Legislature of the Province of Ontario in the 2nd
year of His Majesty's reign, Chaptered 78; and whereas
by an Act passed in the 3rd year of His Majesty's reign,
Chaptered 98, the said Act was amended and the name of
the company was changed and the corporate name of the
company declared to be The Ontario West Shore Electric
Railway Company, and certain further powers conferred
upon the company; and whereas by an Act passed in the
6th year of His Majesty's reign, Chaptered 113, the said
Act was further amended; and whereas the company has
by its petition prayed that an Act may be passed granting
permission to extend its line of railway from a point at or
near Grand Bend, in the Township of Stephen, in the
County of Huron, through the Township of Usborne in the
said County, thence in a south-easterly direction through
the Township of Blanchard, in the County of Perth, and
the Township of Biddulph, in the County of Middlesex;
thence southerly and westerly through the Township of
West Nissouri, in the County of Middlesex, or London
Township, in said County, in and to the City of London in
said County, with power to construct a branch line from
a point in the Township of Usborne in the County of Huron,
or the Township of Blanshard, in the County of Perth,
through the said Township of Blanshard, in an easterly
direction to a point at or near the Town of St. Marys, in
the County of Perth, and thence in an easterly direction
through the Township of Downie, in the County of
Perth, to the City of Stratford in the said County, and
in, to and through the Town of Kincardine, in the County
of Bruce; and has further prayed that the time for the
payment of fifteen per cent. of the amount of the capital
stock of the said company may be extended, and that the
time for the completion of the railway of the com-
pany

pany may be extended; and has further prayed that By-law Number 49 of the Town of Goderich, in the County of Huron, respecting certain aid to the applicant company by guaranteeing the bonds of the said company to the extent in the whole of the sum of \$150,000 passed on the 14th day of February, 1908, and the agreement made between the said town and the said company, dated the 31st day of March, 1908, whereby the company is given the right to build and operate its railway on certain streets of the said town, be approved and confirmed; and has further prayed that By-law Number 532 of the Town of Kincardine, in the County of Bruce, respecting certain aid to the company by guaranteeing the bonds of the company to the extent in the whole of the sum of \$50,000 passed on the 26th day of December, 1907, and the agreement made between the said town and the railway company, dated the 26th day of December, 1907, whereby the company is given the right to build and operate its railway on certain streets of the said town, be approved and confirmed; and has further prayed that By-law Number 8 of the Township of Ashfield, in the County of Huron, respecting certain aid to the company by guaranteeing the bonds of the company to the extent in the whole of the sum of \$125,000 passed on the 4th day of October, 1907, and the agreement made between the said Township and the company, dated the 30th day of March, 1908, whereby the company is given the right to build and operate its line on certain of the highways of the Township, be approved and confirmed; and has further prayed that By-law Number 371 of the Township of Huron, in the County of Bruce, respecting certain aid to the company by guaranteeing the bonds of the company to the extent in the whole of the sum of \$75,000 passed on the 16th day of December, 1907, be approved and confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Location of
lines.

1. The company is authorized and empowered to lay out, construct and operate by electricity an extension of the company's line from a point at or near Grand Bend, in the Township of Stephen, in the County of Huron, through the Township of Usborne, in the said county; thence in a southeasterly direction through the Township of Blaushard, in the County of Perth, and the Township of Bidulph, in the County of Middlesex; thence southerly and westerly through the Township of West Nissouri, in the County of Middlesex, or London Township, in said county, in and to the City of London, in said county, with power to construct a branch line from a point in the Township

of

of Usborne, in the County of Huron, or the Township of Blanshard, in the County of Perth, through the said Township of Blanshard, in an easterly direction to a point at or near the Town of St. Marys, in the County of Perth, and thence in an easterly direction through the Township of Downie, in the County of Perth, to the City of Stratford, in the said county and in, to and through the Town of Kincardine, in the County of Huron.

2. Notwithstanding anything contained in *The Ontario Railway Act, 1906*, or in the said Act passed in the 6th year of His Majesty's reign, Chaptered 113, the railway authorized by the Acts passed in the 2nd year of His Majesty's reign, Chaptered 78, in the 3rd year of His Majesty's reign, Chaptered 98, in the 6th year of His Majesty's reign, Chaptered 113, and by this Act, shall be completed within four years from the passing of this Act, and if the railway is not completed and put in operation within four years, and fifteen per cent. of the capital stock of the company is not expended in one year from the passing of this Act, then the powers granted to the company by the said Act passed in the 2nd year of His Majesty's reign, Chaptered 78, and by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted; provided that the extensions of time for completion and expenditure on account of capital stock hereby granted or anything in this Act contained shall not in any way alter or affect any of the terms or conditions contained in any of the by-laws referred to in and ratified by this Act.

Time for completion extended.

3. The provisions of *The Ontario Railway Act, 1906*, 6 Edw. VII., c. 30. to apply. applicable to railways to be operated by electricity shall apply to the said company and the railway constructed or to be constructed by it.

4. By-law No. 49, 1907, of the Municipal Corporation of the Town of Goderich, passed on the fourteenth day of February, 1908, intituled "A By-law to guarantee the Bonds or Debentures of The Ontario West Shore Electric Railway Company," and which by-law is set out in Schedule "A" to this Act is confirmed and declared to be legal and valid. And the agreement made between the company and the Corporation of the Town of Goderich, dated the 31st day of March, 1908, and set out in Schedule "B" to this Act, is declared to be valid and to be binding upon the parties thereto, their successors and assigns.

By-law No. 49 of Town of Goderich confirmed.

5. By-law No. 532 of the Municipal Corporation of the Town of Kincardine, passed on the twenty-sixth day of December, 1907, intituled "A By-law to guarantee the Bonds

By-law No. 532 of Town of Kincardine confirmed.

Bonds or Debentures of The Ontario West Shore Electric Railway Company," and which by-law is set out in Schedule "C" to this Act, is confirmed and declared to be legal and valid. And the agreement made between the company and the Corporation of the Town of Kincardine, dated the twenty-sixth day of December, 1907, and set out in Schedule "D" to this Act, is declared to be valid and to be binding upon the parties thereto, their successors and assigns.

By-law No. 5
of Township of
Ashfield
confirmed.

6. By-law No. 8, 1907, of the Municipal Corporation of the Township of Ashfield, passed on the fourth day of October, 1907, intituled "A By-law to guarantee certain of the Bonds of The Ontario West Shore Electric Railway Company by the section or portion of the said Township herein described in aid of the construction of the railway of the said company," and which by-law is set out in Schedule "E" to this Act, is confirmed and declared to be legal and valid. And the agreement made between the company and the Corporation of the Township of Ashfield, dated the 30th day of March, 1908, and set out in Schedule "F" to this Act, is declared to be valid and to be binding upon the parties thereto, their successors and assigns.

By-law No. 371
of Township of
Huron
confirmed.

7. By-law No. 371, 1907, of the Municipal Corporation of the Township of Huron, passed on the sixteenth day of December, 1907, intituled "A By-law to guarantee certain of the Bonds or Debentures of The Ontario West Shore Electric Railway Company by the section or portion of said Township herein described in aid of the construction of the railway of the said company," and which by-law is set out in Schedule "G" to this Act is confirmed and declared to be legal and valid.

SCHEDULE "A."

BY-LAW No 49, 1907, OF THE CORPORATION OF THE TOWN OF GODERICH,
IN THE COUNTY OF HURON.

A By-law to guarantee the Bonds or Debentures of The Ontario West Shore Electric Railway Company.

Whereas The Ontario West Shore Electric Railway Company has been by Statute, 2 Edw. VII., Cap. 78, as amended by 3 Edw. VII., Cap. 98, and 6 Edw. VII., Cap. 113, authorized and empowered among other things to survey, lay out, construct, equip, maintain and operate by electricity, and from time to time remove and change a double or single track, iron or steel railway of the gauge of four feet eight and one-half inches, and with all necessary side tracks and turn outs for the passage of cars, carriages and other vehicles adapted to the same, from the Town of Goderich, in the County of Huron, to the Town of Kincardine, in the County of Bruce;

And whereas the said The Ontario West Shore Electric Railway Company has requested the said Town of Goderich to aid them in their said undertaking by guaranteeing the bonds or debentures to be issued by the said The Ontario West Shore Electric Railway Company to the extent in the whole of the sum of \$150,000;

And whereas the Act of Incorporation of the said Company so amended as aforesaid limits the amount of the issue of the bonds or debentures thereof to fifteen thousand dollars per mile for each and every mile of single track of the said railway and extensions and branches;

And whereas it is expedient to grant the said aid, subject to the terms and conditions hereinafter set out;

Therefore be it enacted, and it is hereby enacted by the Municipal Council of the said Town of Goderich, in the County of Huron, as follows:—

1. It shall be lawful for the Mayor and Clerk in the name and on behalf of the Corporation of the Town of Goderich and under its corporate seal, to execute and deliver as the Act and deed of the said Corporation, the written or printed guarantee or guarantees of the said Corporation, guaranteeing the due payment by the said Town of Goderich, of the principal and interest of the bonds or debentures of The Ontario West Shore Electric Railway Company, up to the sum, in the aggregate, of \$150,000 (one hundred and fifty thousand dollars) for principal, repayable in thirty years from the day of the issue thereof, with interest in the meantime at the rate of five per centum per annum, payable half-yearly on the principal to the holders of the said bonds or debentures, such guarantee to be to the effect that upon default being made by the said The Ontario West Shore Electric Railway Company, in payment of the principal or interest secured by the said bonds or debentures so guaranteed, or any of them, the Corporation of the Town of Goderich, will pay to the holder of the amount so in default, upon demand, such guarantee to be otherwise in such form and to contain such other or additional provisos or conditions as shall be approved of by the Mayor and Solicitor for the said town, provided, however, that such provisos and conditions do not limit the obligations of the said town to pay the amount so in default upon demand as aforesaid.

2. Prior to the execution of the said guarantee or guarantees or any of them, the said The Ontario West Shore Electric Railway Company shall, with the necessary approval of their shareholders duly given in meeting called for that purpose, execute and deliver to a trustee who shall be mutually agreed upon by the said Company and the Corporation of the Town of Goderich, a mortgage upon the whole of the property, assets, rents and revenues of the said The Ontario West Shore Electric Railway Company, present or future, or both, which said mortgage shall be a first charge upon all such property and shall contain the clauses and provisions usual in mortgages given by companies to secure bonds settled and approved by the solicitor for the said town and shall secure and provide for the payment of all principal and interest which shall become due at any time on the said bonds so to be issued by the said Company under their said Act of Incorporation and amendments, and for the repayment to the said Corporation of all moneys which may be paid by it in respect of said guaranteed bonds *pro rata* with the other bonds to be issued as aforesaid by the said Company under the authority aforesaid, and such mortgage shall further provide for the insurance by the said Company of the said mortgaged property in favour of the said trustee in case of loss by fire or lightning in such companies as shall be approved of by the said trustees, and by policies containing what is known as "the mortgage clause" if demanded by the said trustee, and for the continuance of such insurance during the currency of the said bonds and the due payment of the premium thereof.

3.

3. As a condition of executing the said guarantee all moneys, proceeds of the sale or pledge of any of the said bonds or debentures to be guaranteed by virtue of the by-law, shall be paid to the said trustee, or the bonds themselves shall be deposited with the said trustee, and shall be applicable only for the purposes of the said railway *pro rata* with the proceeds of the sale or pledge of the other bonds so to be issued as aforesaid, and shall be paid out by the said trustee only as he receives progress certificates, and no amount shall be paid thereout except to the extent of the face value of such progress certificates, which are to be issued for amounts from time to time, not exceeding ninety per cent. of such services or materials as are certified to by the engineer appointed to inspect the said works and *pro rata* as aforesaid, and the balance shall be paid out only after the completion of the said railway and the opening of the same authorized by the Ontario Railway and Municipal Board, in accordance with the provisions of section 163 of *The Ontario Railway and Municipal Board Act, 1906*.

4. In consideration of its executing the said guarantee The Ontario West Shore Electric Railway Company hereby agrees to procure from the Maitland River Power Company, Limited, a release and abandonment of the guarantee of one hundred and fifty thousand dollars (\$150,000) of the bonds of the Maitland River Power Company, Limited, which the said Corporation by By-law No. 13 of 1906, which received its third reading and was finally passed on the 3rd day of August, 1906, agreed to give.

5. The said Ontario West Shore Electric Railway Company, in consideration of the executing of said guarantee hereby agrees that the head offices of the system of railways which the Act of Incorporation of the said Railway Company authorizes it to construct shall be and remain within the limits of the said Corporation and further promises and agrees that the car repairing and machine shops and car barns shall be constructed within the limits of the Corporation.

6. The fares to be charged by the said The Ontario West Shore Electric Railway Company shall not exceed five cents for any distance not exceeding three miles and where the distance exceeds three miles, then not exceeding two cents per mile or fraction thereof for the distance actually travelled. Children under ten years of age shall be carried for three miles or less for three cents, and for any additional distance for half fare, but children in arms shall in all cases be carried free.

7. Pupils under seventeen years of age actually attending school, shall be entitled to purchase at any office of the Company where tickets are sold, on a certificate from their principal teacher that they are *bona fide* pupils attending school eight tickets for twenty-five cents, such tickets to be used only between the hours of eight o'clock and half past nine in the forenoon and between half past three and five o'clock in the afternoon, and then only for the purpose of attending and returning from school, provided that no such tickets shall entitle any pupil to ride a greater distance than five miles.

8. The said Company also agrees that they will carry all such freight as may be offered to them, and to construct and maintain freight sidings at convenient points to be agreed on with the said Corporation for loading such stock and freight as may be offered or which they may be required to carry.

9. The work of building the said road from Goderich to Kincardine shall be commenced on or before the first day of May, 1908, and be continued with reasonable dispatch until it is completed.

10. If the said Company shall so require it, the said town shall consent to application being made to the Legislature of the Province of Ontario, for a special Act validating and confirming this by-law, and all agreements, mortgages and guarantees made or to be made thereunder, provided that all costs and expenses of and incidental to any such application shall be borne and paid by the said Company.

11. This by-law shall take effect on the day of the final passing thereof.

12. The votes of the qualified electors of the said Corporation shall be taken on this by-law by the Deputy Returning Officers hereinafter named on Monday, the sixth day of January, A.D. 1908, commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day.

Polling Subdivision No. 1, at Thompson Bros.' Wood Shop, by E. C. Belcher, Deputy Returning Officer, and James Breckenbridge, Poll Clerk.

Polling Subdivision No. 2, at William Sharman's Repair Shop, East Street, by Charles Bates, Deputy Returning Officer, and Reginald Sharman, Poll Clerk.

Polling Subdivision No. 3, at Town Hall, by W. A. H. Cuff, Deputy Returning Officer, and Linn Knox, Poll Clerk.

Polling Subdivision No. 4, at S. Stothers' Wood Shop, by John F. Bates, Deputy Returning Officer, and Wm. Stothers, Poll Clerk.

Polling Subdivision No. 5, at Mrs. Walton's Store, by George C. Black, Deputy Returning Officer, and J. C. LeTouzel, Poll Clerk.

Polling Subdivision No. 6, at John Brophley's Store, by H. L. Watson, Deputy Returning Officer, and Wm. Tait, Poll Clerk.

Polling Subdivision No. 7, at Dennis Neville's House, by John W. Craigie, Deputy Returning Officer, and Robert Tait, Poll Clerk.

13. On Thursday, the 2nd day of January, 1908, the Mayor of the said town shall attend at the Town Hall, of the said town at ten o'clock in the forenoon, to appoint persons to attend at the various polling places aforesaid, and at the final summing up of votes by the town clerk on behalf of the persons interested in the promoting or opposing the passage of this by-law respectively.

14. The clerk of the said Town of Goderich shall attend at the Town Hall at ten o'clock in the forenoon of Tuesday, the 7th day of January, 1908, to sum up the number of votes for and against the by-law.

Dated at the Council Chamber, of the Town of Goderich, the 11th day of December, 1907.

JOSEPH ELLIOTT,
Mayor.

M. O. JOHNSTON,
Clerk.

(Seal).

SCHEDULE "B."

Articles of Agreement made this 31st day of March, in the year of our Lord one thousand nine hundred and eight. Between, The Corporation of the Town of Goderich, (hereinafter called "The Corporation") of the First Part, and The Ontario West Shore Electric Railway Company, (hereinafter called "The Company"), of the Second Part.

Whereas The Ontario West Shore Electric Railway Company has, by Statute, 2 Edw. VII., Cap. 78, as amended by 3 Edw. VII., Cap. 98, and 6 Edw. VII., Cap. 113, been authorized and empowered among other things to survey, lay out, construct, equip, maintain and operate, by electricity, a railway through the Town of Goderich, in the County of Huron, subject to any agreement to be made between the council of the said town and the Company;

And whereas the council of the said Corporation, on the 14th day of February in the year of our Lord one thousand nine hundred and eight, passed a By-law number 49, granting certain rights and privileges to the Company;

Now these presents witnesseth that in consideration of the granting of the rights and privileges which are by the said by-law granted by the Corporation, the said Company do for themselves, their suc-

cessors

cessors and assigns, covenant, promise and agree to and with the Corporation and their successors, and the Corporation and its successors agrees with the Company, in manner following, that is to say:—That the Company will construct to, and the said Corporation will permit to be constructed, from the limits of the said Corporation, the Company's line of railway, along and through the said town, and across and along, such streets as are necessary for the due performance of its undertaking, and as the council of the Corporation shall by By-law authorize and subject in all cases to the provisions of *The Ontario Railway Act, 1906*, applicable thereto.

In witness whereof the Corporation hath caused to be affixed the corporate seal, and the Mayor and Clerk have set their hands, and the Company have caused to be affixed their corporate seal, and their President and Secretary have set their hands the day and year first above written.

Signed, sealed and delivered
in the presence of

(Seal.)

JNO. W. MOYES,
President.

H. J. A. MACEWAN,
Secretary.

ALF. H. MACKLIN,
Mayor.

(Seal.)

W. A. MCKIM,
Clerk.

SCHEDULE "C."

BY-LAW NO. 5⁰² OF THE CORPORATION OF THE TOWN OF KINCARDINE,
IN THE COUNTY OF BRUCE.

A By-law to Guarantee the Bonds or Debentures of The Ontario
West Shore Electric Railway Company.

Whereas The Ontario West Shore Electric Railway Company has been by Statute, 2 Edw. VII, cap. 78, as amended by 3 Edw. VII, cap. 98, and 6 Edw. VII, cap. 113, authorized and empowered among other things to survey, lay out, construct, equip, maintain and operate by electricity, and from time to time remove and change a double or single track iron or steel railway of the gauge of four feet eight and one-half inches, and with all necessary side tracks and turnouts for the passage of cars, carriages and other vehicles adapted to the same from a point at or near Amberley, in the County of Huron, and passing along or near the Saugeen Road through the Township of Huron to the Town of Kincardine;

And whereas the said The Ontario West Shore Electric Railway Company has requested the said Town of Kincardine to aid them in their said undertaking by guaranteeing the bonds or debentures to be issued by the said The Ontario West Shore Electric Railway Company, to the extent in the whole of the sum of \$50,000;

And whereas the Act of Incorporation of the said Company so amended as aforesaid, limits the amount of the issue of the bonds or debentures thereof to fifteen thousand dollars per mile for each and every mile of single track of the said railway and extensions and branches;

And whereas it is expedient to grant the said aid, subject to the terms and conditions hereinafter set out;

Therefore be it enacted, and it is hereby enacted by the Municipal Council of the said Town of Kincardine, in the County of Bruce, as follows:—

1. It shall be lawful for the mayor and clerk in the name and on behalf of the Corporation of the Town of Kincardine and under its corporate seal, to execute and deliver as the act and deed of the said corporation the written or printed guarantee or guarantees of the said corporation guaranteeing the due payment by the said Town of Kincardine of the principal and interest of the bonds or debentures of The Ontario West Shore Electric Railway Company, up to the sum, in the aggregate, of \$50,000 (fifty thousand dollars) for principal repayable in thirty years from the day of the issue thereof, with interest in the meantime at the rate of five per centum per annum, payable half yearly on the principal to the holders of the said bonds or debentures, such guarantee to be to the effect that upon default being made by the said The Ontario West Shore Electric Railway Company in payment of the principal or interest secured by the said bonds or debentures so guaranteed, or any of them, the Corporation of the Town of Kincardine will pay to the holder of the amount so in default upon demand, such guarantee to be otherwise in such form, and to contain such other or additional provisos or conditions as shall be approved of by the mayor and solicitor for the said Town, provided, however, that such provisos and conditions do not limit the obligation of the said Town to pay the amount so in default upon demand as aforesaid.

2. Prior to the execution of the said guarantee or guarantees, or any of them, the said The Ontario West Shore Electric Railway Company shall, with the necessary approval of their shareholders, duly given in meeting called for that purpose, execute and deliver to a trustee who shall be mutually agreed upon by the said Company and the Corporation of the Town of Kincardine a mortgage upon the whole of the property, assets, rents and revenues of the said The Ontario West Shore Electric Railway Company, present or future or both, which said mortgage shall be a first charge upon all such property, and shall contain the clauses and provisions usual in mortgages given by companies to secure bonds settled and approved by the solicitor for the said Town, and shall secure and provide for the payment of all principal and interest which shall become due at any time on the said bonds to be issued by the said Company under their said Act of Incorporation and amendments, and for the repayment to the said Corporation of all moneys which may be paid by it in respect of said guaranteed bonds *pro rata* with the other bonds to be issued as aforesaid by the said Company under the authority aforesaid, and such mortgage shall further provide for the insurance by the said Company of the said mortgaged property in favor of the said trustee in case of loss by fire or lightning in such companies as shall be approved of by the said trustee, and by policies containing what is known as "the mortgage clause" if demanded by the said trustee, and for the continuance of such insurance during the currency of the said bonds, and the due payment of the premiums thereof.

3. As a condition of executing the said guarantee, all moneys, proceeds of the sale or pledge of any of the said bonds or debentures to be guaranteed by virtue of the by-law, shall be paid to the said trustee, or the bonds themselves shall be deposited with the said trustee and shall be applicable only for the purposes of the said railway *pro rata* with the proceeds of the sale or pledge of the other bonds so to be issued as aforesaid, and shall be paid out by the said trustee only as he receives progress certificates, and no amount shall be paid thereout except to the extent of the face value of such progress certificates, which are to be issued for amounts from time to time not exceeding ninety per cent. of such services or materials as are certified to by the engineer appointed to inspect the said works and *pro rata* as aforesaid, and the balance shall be paid out only after the completion of the said railway and the opening of the same authorized by the Ontario Railway and Municipal Board in accordance with the provisions of section 163 of *The Ontario Railway and Municipal Board Act, 1906*.

4. The fares to be charged by the said The Ontario West Shore Electric Railway Company shall not exceed five cents for any distance not exceeding three miles, and where the distance exceeds three miles then not exceeding two cents per mile or fraction thereof for the distance actually travelled. Children under ten years of age shall be carried for three miles or less for three cents, and for any additional distance for half fare, but children in arms shall in all cases be carried free.

5. Pupils under seventeen years of age actually attending school shall be entitled to purchase at any office of the Company where tickets are sold, on a certificate from their principal teacher that they are *bona fide* pupils attending school, eight tickets for twenty-five cents, such tickets to be used only between the hours of eight o'clock and half past nine in the forenoon and between half past three and five o'clock in the afternoon, and then only for the purpose of attending and returning from school, provided that no such tickets shall entitle any pupil to ride a greater distance than five miles.

6. The said Company also agrees that they will carry all such freight as may be offered to them, and to construct and maintain freight sidings at convenient points to be agreed on with the said Corporation for loading such stock and freight as may be offered or which they may be required to carry.

7. The work of building the said road from a point at or near Amberley to Kincardine in the direction before mentioned shall be commenced on or before the first day of May, 1908, and be continued with reasonable despatch until it is completed.

8. If the said Company shall so require it the said Town shall consent to application being made to the Legislature of the Province of Ontario for a special Act validating and confirming this by-law, and all agreements, mortgages and guarantees made or to be made thereunder, provided that all costs and expenses of and incidental to any such application shall be borne and paid by the said Company.

9. This by-law shall take effect on the day of the final passing thereof.

10. The votes of the qualified electors of the said Corporation shall be taken on this by-law by the deputy returning officers hereafter named on Monday, the 18th day of November, A.D. 1907, commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day.

In Polling Subdivision No. 1, in the Council Chambers in the Town Hall, in the Town of Kincardine, by Russell Bayne, Poll Clerk, and Alexander Campbell, Deputy Returning Officer.

In Polling Subdivision No. 2, at the north store of the brick building owned by Mrs. Robert Allen, on the east side of Queen Street, in the Town of Kincardine, by John A. McKenzie, Poll Clerk, and John Moffatt, Deputy Returning Officer.

In Polling Subdivision No. 3, at the building owned by Malcolm Ross, one door south of Reed's livery stable, on the west side of Queen Street, in the Town of Kincardine, by William Swanson, Poll Clerk, and J. H. Fleming, Deputy Returning Officer.

In Polling Subdivision No. 4, at the office of James Bayne, on the west side of Queen Street, in the Town of Kincardine, by John Smith, Poll Clerk, and Henry T. Burdon, Deputy Returning Officer.

11. On Wednesday, the 13th day of November, 1907, the mayor of the said Town shall attend at the Town Hall, in the said Town of Kincardine, at ten o'clock in the forenoon, to appoint persons to attend at the various polling places aforesaid, and at the final summing up of votes by the town clerk on behalf of the persons interested in the promoting or opposing the passage of this by-law.

12. The clerk of the said Town of Kincardine shall attend at the Town Hall at ten o'clock in the forenoon of Tuesday, the 19th day of November, A.D. 1907, to sum up the number of votes given for and against the by-law.

Dated at the Council Chamber of the Town of Kincardine, the 26th day of December, 1907.

(Sgd.) W. G. TEMPLE,
Mayor.

(Seal).

(Sgd.) JOHN H. SCOU GALL,
Clerk.

SCHEDULE "D."

Articles of Agreement made this Twenty-sixth day of December, in the year of our Lord one thousand nine hundred and seven, between The Corporation of the Town of Kincardine, (hereinafter called "The Corporation,") of the First Part, and The Ontario West Shore Electric Railway Company, (hereinafter called "The Company,") of the Second Part.

Whereas The Ontario West Shore Electric Railway Company has, by Statute 2 Edw. VII, cap. 78, as amended by 3 Edw. VII, cap. 98, and 6 Edw VII, cap. 113, authorized and empowered among other things to survey, lay out, construct, equip, maintain and operate, by electricity, a railway through the Town of Kincardine, in the County of Bruce, subject to any agreement to be made between the Council of the said Town, and the Company;

And whereas the Council of the said Corporation, on the 26th day of December, in the year of our Lord one thousand nine hundred and seven, passed a By-law Number 532, granting certain rights and privileges to the Company;

And whereas said by-law omits to state that the said Company is to construct its railway from Amberley, in the Township of Huron, to and from the limits of the said Town of Kincardine, and along and through the said Town, and across and along such streets as are necessary for the due performance of the undertaking;

Now these presents witnesseth, that in consideration of the granting of the rights and privileges which are by the said by-law granted by the Corporation to the Company, the said Company do for themselves, their successors and assigns, covenant, promise and agree, to and with the Corporation and their successors, in manner following, that is to say:—That the Company will construct to and the said Corporation will permit to be constructed, from the limits of the said Corporation, the Company's line of railway, from the limits of the said Corporation, along and through the said Town, and across, and along, such streets as are necessary for the due performance of its undertaking.

In witness whereof the Corporation hath caused to be affixed the corporate seal, and the mayor and clerk have set their hands, and the Company have caused to be affixed their corporate seal, and their president and secretary have set their hands the day and year first above written.

Signed, sealed and delivered
in the presence of
W. C. LOSCOMBE.

(Seal).

(Seal).

J. G. GOLDTHORPE,,
President.
H. J. A. McEWAN,
Secretary.
W. G. TEMPLE,
Mayor.
JOHN H. SCOU GALL,
Clerk.
SCHEDULE

SCHEDULE "E."

BY-LAW No. VIII, 1907, OF THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ASHFIELD, IN THE COUNTY OF HURON.

A By-law to Guarantee certain of the Bonds of The Ontario West Shore Electric Railway Company, by the section or portion of the said township herein described in aid of the construction of the railway of the said Company.

Whereas The Ontario West Shore Electric Railway Company, has been by Statute 2 Edw. VII. cap. 78, as amended by 3 Edw. VII. cap. 98, and 6 Edw. VII. cap. 113, authorized and empowered, among other things, to survey, lay out, construct, equip, maintain and operate by electricity, and from time to time remove and change a double or single track, iron or steel railway of the gauge of four feet eight and one-half inches, and with all necessary side tracks and turn-outs for the passage of cars, carriages and other vehicles adapted to the same from the Town of Goderich, in the County of Huron, in a northerly direction, passing through the Townships of Colborne and Ashfield;

And whereas the said The Ontario West Shore Electric Railway Company has applied to that portion or section of the said Township of Ashfield, described as follows: Commencing at the southwest corner of lot 6 in the 1st concession, eastern division of the said township; thence northerly along the road between lots 6 and 7 to the line between concessions 1 and 2 of the said Township of Ashfield; thence along said line to the line between lots 5 and 6 in said 2nd concession; thence northerly along the said line between lots 5 and 6 to the road between concessions 2 and 3 in the said eastern division; thence westerly along said road to the sideroad between lots 3 and 4; thence northerly along said sideroad to the line between concessions 5 and 6; thence westerly along said line between concessions 5 and 6 to the line between lots 1 and 2 in the 6th concession, western division of said township; thence northerly along the line between lots 1 and 2 in the 6th, 7th, 8th and 9th concessions, western division of said township to the line between the 9th and 10th concessions; thence easterly along said line to the division line between the eastern and western divisions of said township; thence northerly along said division line to the north boundary of the said township; thence westerly along said northern boundary of said township to the western boundary; thence southerly along said western boundary to the south boundary; thence easterly along said south boundary to the place of beginning, the lands embraced in this description being composed of polling subdivisions 4, 5, 6 and 7 of the said township; to aid them in the construction of their said railway from a point at or near the Town of Goderich, to a point at or near Amberley in the Township of Ashfield, the general direction to be along or near the gravel road passing through the Villages of Port Albert, Kingsbridge and Kintail; by guaranteeing to the extent of \$125,000 principal besides interest thereon, the bonds or debentures to be issued by the said The Ontario West Shore Electric Railway Company;

And whereas the Act of Incorporation of the said Company so amended as aforesaid limits the amounts of the issue of the bonds or debentures thereof to fifteen thousand dollars per mile for each and every mile of single track of the said railway and extensions and branches;

And whereas it is expedient to grant the said aid subject to the terms and conditions hereinafter set out;

Therefore be it enacted, and it is hereby enacted, by the Municipal Corporation of the Township of Ashfield, in the County of Huron, as follows:—

1. It shall be lawful for the Reeve and Clerk in the name and on behalf of the Corporation of the Township of Ashfield, and under its corporate seal, to execute and deliver as the act and deed of the

the said Corporation the written or printed guarantee or guarantees of the said Corporation guaranteeing the due payment by the portion or section of said township hereinbefore mentioned of the principal and interest of the bonds or debentures of the said The Ontario West Shore Electric Railway Company up to the sum, in the aggregate, of \$125,000 (one hundred and twenty-five thousand dollars) for principal, repayable in thirty years from the day of the issue thereof, with interest in the meantime at the rate of five per cent. per annum, payable half-yearly on the principal to the holders of the said bonds or debentures, such guarantee to be to the effect that upon default being made by the said The Ontario West Shore Electric Railway Company, in payment of the principal or interest secured by the said bonds or debentures so guaranteed or any of them, the Corporation of the Township of Ashfield will pay to the holder of the amount so in default, upon demand, such guarantee to be otherwise in such form and to contain such other or additional provisos or conditions as shall be approved of by the Reeve and Solicitor for the said township, provided, however, that such provisos and conditions do not limit the obligation of the said township to pay the amount so in default, upon demand, as aforesaid.

2. Prior to the execution of said guarantee or guarantees or any of them, the said The Ontario West Shore Electric Railway Company shall, with the necessary approval of their shareholders duly given in meeting called for that purpose, execute and deliver to a trustee who shall be mutually agreed upon by the said Company and the Corporation of the Township of Ashfield, a mortgage upon the whole of the property, assets, rents and revenues of the said The Ontario West Shore Electric Railway Company, present or future or both, which said mortgage shall be a first charge upon all such property and shall contain the clauses and provisions usual in mortgages given by companies to secure bonds settled and approved by the Solicitor for the said township, and shall secure and provide for the payment of all principal and interest which shall become due at any time on the said bonds so to be issued by the said Company under their said Act of Incorporation and amendments, and for the repayment to the said Corporation of all moneys which may be paid by it in respect of said guaranteed bonds *pro rata* with the other bonds to be issued as aforesaid by the said Company under the authority aforesaid, and such mortgage shall further provide for the insurance by the said Company of the said mortgaged property in favour of the said trustee in case of loss by fire or lightning in such companies as shall be approved of by the said trustee and by policies containing what is known as "the mortgage clause," if demanded by the said trustee, and for the continuance of such insurance during the currency of the said bonds and the due payment of the premiums thereof.

3. As a condition of executing the said guarantee, all moneys, proceeds of the sale or pledge of any of the said bonds or debentures to be guaranteed by virtue of this by-law, shall be paid to the said trustee or the bonds themselves shall be deposited with the said trustee and shall be applicable only for the purposes of the said railway *pro rata* with the proceeds of the sale or pledge of the other bonds so to be issued as aforesaid and shall be paid out by the said trustee only as he receives progress certificates, and no amount shall be paid thereout except to the extent of the face value of such progress certificates, which are to be issued for amounts from time to time not exceeding ninety per cent. of such services or materials as are certified to by the engineer appointed to inspect the said works and *pro rata* as aforesaid, and the balance shall be paid out only after the completion of the said railway and the opening of the same authorized by the Ontario Railway and Municipal Board in accordance with the provisions of section 163 of *The Ontario Railway and Municipal Board Act, 1906*.

4. The fares to be charged by the said The Ontario West Shore Electric Railway Company shall not exceed five cents for any distance not exceeding three miles, and where the distance exceeds
three

three miles, then not exceeding two cents per mile or fraction thereof for the distance actually travelled. Children under ten years of age shall be carried for three miles or less for three cents and for any additional distance for half fare, but children in arms in all cases be carried free.

5. Pupils under seventeen years of age actually attending school shall be entitled to purchase at any office of the Company where tickets are sold, on a certificate from their principal teacher that they are *bona fide* pupils attending school eight tickets for twenty-five cents, such tickets to be used only between the hours of eight o'clock and half past nine in the forenoon, and between half past three and five o'clock in the afternoon, and then only for the purpose of attending and returning from school, provided that no such tickets shall entitle any pupil to ride a greater distance than five miles.

6. The said Company also agrees that they will carry all such freight as may be offered to them, and to construct and maintain freight sidings at convenient points to be agreed on with the said Corporation for loading such stock and freight as may be offered or which they may be required to carry.

7. The work of building the said road from Goderich to Amberley shall be commenced on or before the first day of May, 1908, and be continued with reasonable despatch until it is completed.

8. If the said Company shall so require it the said township shall consent to application being made to the Legislature of the Province of Ontario, for a special Act validating and confirming this by-law, and all agreements, mortgages and guarantees made or to be made thereunder, provided that all costs and expenses of and incidental to any such application shall be borne and paid by the said Company.

9. This by-law to take effect on the day of the final passing thereof.

10. The votes of the qualified electors of the said portion or section of the said Corporation shall be taken on this by-law by the Deputy Returning Officers hereinafter named on Monday, the 26th day of August, A.D. 1907, commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day.

In Polling Subdivision No. 4, at the Forester's Hall, Port Albert, in the said Township of Ashfield, by John Tigert, Poll Clerk, and William B. Hawkins, Deputy Returning Officer.

In Polling Subdivision No. 5, at School House, No. 2, in the said Township of Ashfield, by Joseph Dalton, Poll Clerk, and John J. Dean, Deputy Returning Officer.

In Polling Subdivision No. 6, in Hugh McIntosh's dwelling house, lot 5, con. 12, western division of the said Township of Ashfield, by M. J. McKay, Poll Clerk, and John Cowan, Deputy Returning Officer.

In Polling Subdivision No. 7, at Mrs. McRae's dwelling house, lot 39, L. R., in the said Township of Ashfield, by Charles Stewart, Poll Clerk, and Robert Hamilton, Deputy Returning Officer.

11. On Friday, the 23rd day of August, 1907, the Reeve of the said township shall attend at the township hall in the said township at 10 o'clock in the forenoon, to appoint persons to attend at the various polling places aforesaid, and at the final summing up of votes by the Township Clerk on behalf of the persons interested in the promoting or opposing the passage of this by-law.

12. The Clerk of the said Township of Ashfield shall attend at the said township hall at ten o'clock in the forenoon, of Tuesday, the 27th day of August, A.D. 1907, to sum up the number of votes given for and against the by-law.

Dated at the council chamber, of the Township of Ashfield, the 22nd day of July, 1907.

THOS. STOTHERS,
Reeve.

(Seal).

THOS. G. ALLEN,
Clerk.

SCHEDULE

SCHEDULE "F."

Articles of Agreement made this thirtieth day of March in the year of our Lord one thousand nine hundred and eight. Between The Corporation of the Township of Ashfield (hereinafter called "The Corporation"), of the First Part, and The Ontario West Shore Electric Railway Company (hereinafter called "The Company"), of the Second Part.

Whereas The Ontario West Shore Electric Railway Company has, by Statute, 2 Edw. VII., Cap. 78, as amended by 3 Edw. VII., Cap. 98, and 6 Edw. VII., Cap. 113, been authorized and empowered among other things to survey, lay out, construct, equip, maintain and operate, by electricity, a railway through the Township of Ashfield, in the County of Huron, subject to any agreement to be made between the council of the said township and the Company; And whereas the council of the said Corporation on the 4th day of October, in the year of our Lord one thousand nine hundred and seven, passed a By-law number 8, granting certain rights and privileges to the Company;

Now these presents witnesseth that in consideration of the granting of the rights and privileges which are by the said by-law granted by the Corporation to the Company, the said Company do for themselves, their successors and assigns, covenant, promise and agree, to and with the Corporation and their successors and the Corporation and its successors agrees with the Company in manner following, that is to say:—That the Company will construct and the said Corporation will permit to be constructed the Company's line of railway from the limits of the said Corporation along and through the said township and across and along such highways mentioned in said By-law No. 8, as shall hereafter be mutually agreed on between the Company and municipality.

In witness whereof the Corporation hath caused to be affixed the corporate seal, and the Reeve and Clerk have set their hands, and the Company have caused to be affixed their corporate seal, and their President and Secretary have set their hands the day and year first above written.

Signed, sealed and delivered
In the presence of

W. PROUDFOOT.

JNO. W. MOYES,
President.
H. J. A. McEWAN,
Secretary.
THOS. STOTHERS,
Reeve.
THOS. G. ALLEN,
Clerk.

SCHEDULE "G."

BY-LAW No. 371, 1907. OF THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF HURON, IN THE COUNTY OF BRUCE.

A By-law to Guarantee certain of the Bonds or Debentures of The Ontario West Shore Electric Railway Company, by the section or portion of said Township herein described in aid of the Construction of the Railway of the said Company.

Whereas

Whereas The Ontario West Shore Electric Railway Company has been by Statute 2 Edw. VII, cap. 78, as amended by 3 Edw. VII, cap. 98, and 6 Edw. VII, cap. 113, authorized and empowered, among other things, to survey, lay out, construct, equip, maintain and operate by electricity, and from time to time remove and change a double or a single track, iron or steel railway, of the gauge of four feet eight and one-half inches, and with all necessary side tracks and turn-outs for the passage of cars, carriages and other vehicles adapted to the same, from a point at or near Amberley, and passing along or near the Saugeen Road through the Township of Huron to the Town of Kincardine;

And whereas the said The Ontario West Shore Electric Railway Company has applied to that portion or section of the said Township of Huron, described as follows:—Commencing at the south-west corner of the Township of Huron; thence southeasterly along the southerly boundary of said Township to the sideroad between lots 50 and 51 in concession 1 of said Township; thence northerly along said sideroad between lots 50 and 51, and also between lots 25 and 26 in concessions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, to the northerly boundary of said Township of Huron; thence north-westerly along said northerly boundary to the high water mark of Lake Huron; thence southwesterly along said high water mark of Lake Huron and following its several windings to the place of beginning. The land embraced in this description being composed of the whole of polling subdivisions 1 and 2, and parts of polling subdivisions 3, 4 and 5 of the said Township, to aid them in the construction of their said railway from a point at or near Amberley, and passing along or near the Saugeen Road through the Township of Huron to the Town of Kincardine; by guaranteeing to the extent of \$75,000 principal besides interest thereon, the bonds or debentures to be issued by the said The Ontario West Shore Electric Railway Company;

And whereas the Act of Incorporation of the said Company, so amended as aforesaid, limits the amount of the issue of the bonds or debentures thereof to fifteen thousand dollars per mile for each and every mile of single track of the said railway and extensions and branches;

And whereas it is expedient to grant the said aid, subject to the terms and conditions hereafter set out;

Therefore be it enacted, and it is hereby enacted by the Municipal Corporation of the Township of Huron, in the County of Bruce, as follows:—

1. It shall be lawful for the reeve and clerk in the name and on behalf of the Corporation of the Township of Huron, and under its corporate seal, to execute and deliver as the act and deed of the said corporation the written or printed guarantee or guarantees of the said Corporation guaranteeing the due payment by the portion or section of said Township hereinbefore mentioned, of the principal and interest of the bonds or debentures of the said The Ontario West Shore Electric Railway Company, up to the sum, in the aggregate, of \$75,000 (seventy-five thousand dollars), for principal repayable in thirty years from the day of the issue thereof, with interest in the meantime at the rate of five per cent. per annum, payable half-yearly on the principal to the holders of the said bonds or debentures, such guarantee to be to the effect that upon default being made by the said The Ontario West Shore Electric Railway Company in payment of the principal or interest secured by the said bonds or debentures so guaranteed or any of them, the Corporation of the Township of Huron will pay to the holders of the amount so in default, upon demand, such guarantee to be otherwise in such form and to contain such other or additional provisos or conditions as shall be approved of by the reeve and solicitor for the said Township, provided, however, that such provisos and conditions do not limit the obligation of the said Township to pay the amount so in default, upon demand, as aforesaid.

2. Prior to the execution of the said guarantee or guarantees or any of them the said The Ontario West Shore Electric Railway Company shall, with the necessary approval of their shareholders, duly given in meeting called for that purpose, execute and deliver to a trustee who shall be mutually agreed upon by the said Company and the Corporation of the Township of Huron, a mortgage upon the whole of the property, assets, rents and revenues of the said The Ontario West Shore Electric Railway Company, present or future, or both, which said mortgage shall be a first charge upon all such property and shall contain the clauses and provisions usual in mortgages given by companies to secure bonds settled and approved by the solicitor for the said Township, and shall secure and provide for the payment of all principal and interest which shall become due at any time on the said bonds so to be issued by the said Company under their said Act of Incorporation and amendments, and for the repayment to the said Corporation of all moneys which may be paid by it in respect of said guaranteed bonds *pro rata* with the other bonds to be issued as aforesaid by the said Company under the authority aforesaid, and such mortgage shall further provide for the insurance by the said Company of the said mortgaged property in favor of the said trustee, in case of loss by fire or lightning, in such companies as shall be approved of by the said trustee, and by policies containing what is known as "the mortgage clause," if demanded by the said trustee, and for the continuance of such insurance during the currency of the said bonds, and the due payment of the premiums thereof.

3. As a condition of executing the said guarantee, all moneys, proceeds of the sale or pledge of any of the said bonds or debentures to be guaranteed by virtue of this by-law, shall be paid to the said trustee or the bonds themselves shall be deposited with the said trustee, and shall be applicable only for the purposes of the said railway *pro rata* with the proceeds of the sale or pledge of the other bonds so to be issued as aforesaid, and shall be paid out by the said trustee only as he receives progress certificates, and no amount shall be paid thereout except to the extent of the face value of such progress certificates, which are to be issued for amounts from time to time not exceeding ninety per cent. of such services or materials as are certified to by the engineer appointed to inspect the said works and *pro rata* as aforesaid, and the balance shall be paid out only after the completion of the said railway and the opening of the same authorized by the Ontario Railway and Municipal Board in accordance with the provisions of section 163 of *The Ontario Railway and Municipal Board Act, 1906*.

4. The fares to be charged by the said The Ontario West Shore Electric Railway Company shall not exceed five cents for any distance not exceeding three miles, and where the distance exceeds three miles, then not exceeding two cents per mile or fraction thereof for the distance actually travelled. Children under ten years of age shall be carried for three miles or less for three cents, and for any additional distance for half fare, but children in arms shall in all cases be carried free.

5. Pupils under seventeen years of age actually attending school, shall be entitled to purchase at any office of the Company where tickets are sold, on a certificate from their principal teacher, that they are *bona fide* pupils attending school, eight tickets for twenty-five cents, such tickets to be used only between the hours of eight o'clock and half past nine in the forenoon, and between half past three and five o'clock in the afternoon, and then only for the purpose of attending and returning from school, provided that no such tickets shall entitle any pupil to ride a greater distance than five miles.

6. The said Company also agree that they will carry all such freight as may be offered to them, and to construct and maintain freight sidings at convenient points to be agreed on with the said Corporation for loading such stock and freight as may be offered or which they may be required to carry.

7. The work of building the said road from a point at or near Amberley to Kincardine shall be commenced on or before the first day of May, 1908, and be continued with reasonable despatch until it is completed.

8. If the said Company shall so require it the said Township shall consent to application being made to the Legislature of the Province of Ontario for a special Act validating and confirming this by-law, and all agreements, mortgages and guarantees made or to be made thereunder, provided that all costs and expenses of and incidental to any such application shall be borne and paid by the said Company.

9. This by-law shall take effect on the day of the final passing thereof.

10. The votes of the qualified electors of the said portion or section of the said Corporation shall be taken on this by-law by the deputy returning officers hereinafter named, on Monday, the 18th day of November, A.D. 1907, commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day.

In Polling Subdivision No. 1, at Orange Hall, Lot 36, Con. 3, in the said Township of Huron, by John L. Gamble, Poll Clerk, and Donald Blue, Deputy Returning Officer.

In Polling Subdivision No. 2, at Orange Hall (Bethel), Lot 35, Con. 8, in the said Township of Huron, by James G. Huston, Poll Clerk, and Thomas Wilson, Deputy Returning Officer.

Said polling subdivision number one to comprise all the lots from lot number one to thirty, inclusive, in concession "A," and fifty-one to eighty, inclusive, in concession one, and from lot twenty-six, inclusive, to concession "A" in the second, third, fourth and fifth concessions. Polling subdivision number two shall comprise all the lots from lot thirty-one, inclusive, in concession "A," to the boundary of Kincardine, and all the lots in concessions six, seven, eight, nine, ten, eleven and twelve from lot twenty-six, inclusive, to concession "A," for purposes of the vote on this by-law.

11. On Saturday, the 16th day of November, 1907, the reeve of the said Township shall attend at the Township Hall, in the said Township, at ten o'clock in the forenoon, to appoint persons to attend at the various polling places aforesaid, and at the final summing up of votes by the township clerk on behalf of the persons interested in promoting or opposing the passage of this by-law.

12. The clerk of the said Township of Huron shall attend at the said Township Hall at ten o'clock in the forenoon on Tuesday, the 19th day of November, A.D. 1907, to sum up the number of votes given for and against the by-law.

Dated at the Council Chamber of the Township of Huron, the 19th day of October, 1907.

W. R. McDONALD,
Reeve.
ANGUS MARTYN,
Clerk.

(Seal).

CHAPTER 136.

An Act respecting The South Western Traction Company.

Assented to 14th April, 1908.

WHEREAS the South Western Traction Company was Preamble. incorporated by an Act passed by the Legislature of the Province of Ontario in the second year of His Majesty's reign, Chaptered 96, as amended by an Act passed in the third year of His Majesty's reign, Chaptered 115, and as further amended by an Act passed in the fourth year of His Majesty's reign, Chaptered 89, and as further amended by an Act passed in the sixth year of His Majesty's reign, Chaptered 121, for the purpose of constructing and operating a system of electric railways from, to and between the points set out in the said Acts; and whereas the Company has by its petition prayed that the time for completing the said proposed railway shall be extended; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 2 of the Act passed in the sixth year of His Majesty's reign, Chaptered 121, is repealed. 6 Edw. VII., c. 121, s. 2, repealed.

2. If the construction of that portion of the railway between London and Ingersoll is not commenced within two years from the date of the passing of this Act, and if the whole of the railway is not completed and put in operation within three years from the passing of this Act, then the powers granted to the said Company by the said Act of incorporation and by the said amending Acts and by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted. Time for completion of lines

CHAPTER 137.

An Act respecting the Western Central Railway Company.

Assented to 14th April, 1908.

Preamble.

WHEREAS the Western Central Railway Company, hereinafter called the Company, by its Act of Incorporation passed in the fifth year of His Majesty's reign, Chaptered 109, and by an Act amending the same passed in the sixth year of His Majesty's reign, Chaptered 125, was authorized to construct an electric railway and branches as set forth in the said Acts; and whereas the Company has by its petition prayed that the time for the commencement and completion of the said railway and branches may be extended; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

6 Edw. VII.,
c. 125, s. 8,
repealed.

1. Section three of the Act passed in the sixth year of His Majesty's reign, Chaptered 125, is repealed.

Time for com-
mencement
and completion
of railway.

6 Edw. VII.,
c. 30.

2. Notwithstanding anything contained in *The Ontario Railway Act, 1906*, if the construction of the railway and of the extension and branches mentioned in the Company's Act of Incorporation and amendments thereof, is not commenced and \$250,000 is not expended thereon within two years after the passing of this Act, or if the railway is not completed and put in operation within five years after the passing of this Act, then the powers granted by the Company's Act of Incorporation and Act amending the same, and by this Act, shall cease and be null and void as respects so much of the railway as then remains uncompleted.

CHAPTER 138.

An Act respecting the Port Hope Gas Company.

Assented to 14th April, 1908.

WHEREAS The Port Hope Gas Company has by petition represented that the said Company was incorporated in accordance with the provisions of the Act of the Parliament of Canada passed in the sixteenth year of the reign of Her late Majesty Queen Victoria, Chaptered 173, and intituled "*An Act to provide for the formation of incorporated Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*"; and whereas a copy of the Declaration of Incorporation filed and registered in the registry office for the East Riding of the County of Durham on the twenty-sixth day of February, A.D. 1857, is set out in Schedule "A" hereto; and whereas a by-law of the Town Council of Port Hope numbered 121, and entitled "By-law No. 121 for erecting, etc.," filed and registered with the said declaration is set out in Schedule "B" hereto; and whereas by the fourth clause of the said declaration it was declared that the duration of the Company should be fifty years, and the said period of duration expired on or about the fourteenth day of February, A.D., 1907; and whereas the Corporation of the Town of Port Hope is at present a stock holder in the said Company to the extent of six hundred and eighty-seven and a half shares of the present par value of thirteen thousand seven hundred and fifty dollars; and whereas the said Company commenced and prosecuted and carried on its business in the said Town of Port Hope during the period mentioned, and has since the expiration of the said period continued to carry on business in the same way as before; and whereas the said Company has prayed that it be revived and re-incorporated under the same name with the same powers, capital stock, number of shares, by-laws, officers and shareholders as it had prior to the expiration of the said period of fifty years, and that all acts of the said Company, its officers and servants since the expiration of the said period shall be as valid and binding as if the said period had not expired: and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

New incorporation of shareholders of company.

1. The shareholders of the said Company, of record on the books of the Company on the thirteenth day of February, 1907, and in cases where such shareholders have died or assigned their interest in such shares or assets of the said company since such date, the personal representatives of such shareholders or their transferees, are hereby created a body corporate and politic for the purposes and objects following, that is to say; to manufacture and supply gas for heating, cooking, and all other purposes for which gas is capable of being used, and to manufacture and supply electric, galvanic, or other artificial light, either in connection with gas or otherwise, and to manufacture and supply electricity for the purpose of generating heat or power and for all other purposes for which electricity is capable of being used; and to acquire any patent or other rights for the manufacture or production of any artificial light; and to manufacture or buy, and also to sell or lease, all fittings, machines, apparatus, or other things required for the use of the said company or its consumers; under the name of The Port Hope Gas Company; the capital of the said company to be forty thousand dollars, divided into two thousand shares of twenty dollars each; the head office of the said company to be at the said Town of Port Hope, in the County of Durham, and the directors of the company to be, John Mulligan, James Craick, John Wordsworth Clemesha, Donald J. McLennan, Robert Gray, and William H. Giddy (the Mayor of Port Hope by virtue of his office).

Application of certain Acts.

Rev. Stat. c. 191.

2. The said company shall be subject to the provisions of Chapter 199, Revised Statutes of Ontario, 1897, and amending Acts, and to the provisions of *The Ontario Companies Act*, and in particular to the part of the said Act relating to companies operating municipal franchises and public utilities; and it shall not be competent for the company to mortgage its assets or to issue bonds, debentures or other securities or by any means to charge or hypothecate its undertakings, except by by-law of the company, confirmed by Supplementary Letters Patent; and, further it shall not be competent for the company to pay an annual or other dividend or any bonus or other payment to its shareholders of more than ten per centum per annum and that all profits of the company which may accumulate on account of this limitation of dividends, shall be used by the company in improving its plant and undertaking, and in reducing the cost of the public service given by the company.

3. The term of existence of the said company shall be Term of existence.
fifty years from the thirteenth day of February, 1907.

4. All acts done by or on behalf of the said company Certain Acts validated.
by any person purporting to be an officer, shareholder or servant thereof, from the thirteenth day of February, 1907, to the day upon which this Act shall receive the Royal Assent, are hereby declared to be valid and binding upon the said company, in the same manner and to the same extent as if the said company had been re-incorporated on or before the thirteenth day of February, 1907.

5. The officers, shareholders and servants of the said company who have carried on the business of the said company since the said thirteenth day of February, 1907, shall not be and shall not be deemed to have been subject or liable to any penalties imposed or which may be imposed by or under any Act in force in this Province by reason of their having carried on business under the name of the said company. Exemption of officers from penalties.

6. By-law No. 558 of the said Town of Port Hope, By-law No. 558 of town of Port Hope confirmed.
granting to the Port Hope Gas Company, Limited, certain rights and privileges in, on and under the streets of Port Hope, and more particularly set out in Schedule "C" hereof, is hereby ratified, confirmed and approved.

SCHEDULE "A."

Be it remembered that on this fourteenth day of February, in the year of our Lord one thousand eight hundred and fifty-seven, we, the undersigned, met at the Town of Port Hope, in the County of Durham, in the Province of Canada, and resolved to form ourselves into a company, in accordance with the provisions of the Act of Parliament of this Province, passed in the sixteenth year of the Reign of Her Majesty Queen Victoria, Chaptered one hundred and seventy-three, and intituled *An Act to provide for the formation of Incorporated Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*. And we do hereby for the purpose of carrying out such resolution and in order that we and our associates may become incorporated in pursuance of the said Statute, state and declare as follows:—

First. The corporate name of the Company shall be "The Port Hope Gas Company."

Second. The object of the Company shall be the supplying the said Town of Port Hope with gas light.

Third. The amount of the capital stock of the Company shall be ten thousand pounds, divided into two thousand shares of five pounds each.

Fourth. The duration of the Company shall be fifty years.

Fifth. The number of directors of the Company shall be five.

Sixth. The directors of the Company for the first year shall be John Smart, Robert Wallace, Duncan McLeod, Hiram Gillett and Robert McIntyre.

Seventh

Seventh. The operations of the Company shall be carried on in the Town of Port Hope.

In witness whereof, we have hereunto set our hands the day and year first above written.

(Seal of Registry Office,
East Durham.)

N. KIRCHHOFFER, D. McLEOD, SAMUEL HATTON, H. GILLETT, R. McINTYRE, ROBERT WALLACE, JOHN SMART, JNO. DONOVAN, J. F. BOULTON, S. R. BEAMISH, WM. ANDERSON, W. F. RUSSELL, JOHN SPALDING, J. HAGGART, LEWIS ROSS, JOHN READ, GEO. PERKS, GEO. A. STEWART, GEO. C. WARD, GEO. BROGDIN, R. C. MONTGOMERIE.

(Seal of Registry Office,
East Durham.)

SCHEDULE "B."

By-Law No. 121, for erecting "The Port Hope Gas Company" into a Corporation with authority to lay down gas pipes under the streets, etc., of the Town.

Whereas the persons hereinafter named by their petition to the Council shew that on the fourteenth day of February, in the year of our Lord one thousand eight hundred and fifty-seven, they met at the Town of Port Hope, in the County of Durham, and Province of Canada and resolved to form themselves into a company in accordance with the provisions of the Act of the Parliament of this Province passed in the sixteenth year of the reign of Her Majesty, Queen Victoria, entitled *An Act to provide for the formation of an Incorporated Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water*, that they then and there signed and subscribed a statement or declaration in writing which was duly acknowledged in duplicate before the Mayor of the said Town in conformity with the requirements of the said in part recited Act, amongst other statements declaring that the corporate name of the company should be "The Port Hope Gas Company" and by the said petition the said several persons prayed the council to make or pass a by-law granting authority to them as a company to lay down pipes for the conveyance of gas under the streets, squares and other public places of the Town of Port Hope;

And whereas, by the *Municipal Corporation Amendment Act of 1853*, it is declared and enacted that the Council shall have power and authority to make by-laws for granting authority to any company incorporated for the purpose of supplying water or gas for the use and convenience of the inhabitants of such Town, to lay down pipes or conduits for the conveyance of such water and gas under any of the streets or public squares of the Town under such restrictions, limitations, and regulations as to such council may seem meet;

And whereas the formation of such a company is very desirable and the lighting with gas the streets and buildings in the said Town would add greatly to the comfort and welfare of its inhabitants.

I. Be it therefore enacted by the Town Council of Port Hope, and it is hereby enacted as follows:

That Nesbitt Kirchhoffer, Duncan McLeod, Samuel Hatton, Hiram Gillett, Robert McIntyre, Robert Wallace, John Smart, R. C. Montgomerie, John Donovan, James Foster Boulton, Samuel R. Beamish, William Anderson, William F. Russell, John Spalding, James Haggart, Lewis Ross, John Read, George Perks, George A. Stewart, George C. Ward, and George Brogdin, all inhabitants of the said Town of Port Hope and such other persons that may hereafter be or become shareholders in the company by them

them to be formed and incorporated under the name of "The Port Hope Gas Company," shall have full power and authority as a company (subject to the restrictions, limitations and regulations hereinafter contained), to break up, dig and trench, so much and so many of the streets, squares, highways, alleys, lanes and public places of the said Town of Port Hope as may at any time be necessary for laying down the mains and pipes to conduct the gas from the works of the said Company to the consumers, thereof and to lay down all such mains, pipes, and conduits as to them shall seem desirable and shall have power to take up, renew, alter or repair the same when the said Company shall deem it expedient, in all of which cases doing no unnecessary damage in the premises, and taking care as far as may be, to preserve a free, uninterrupted passage for persons and vehicles through the said streets, squares, highways, alleys, lanes and public places, while the works are in progress, provided always, that the said Company shall place guards, or fences with lamps to be lighted during the night time and take all other necessary precautions, for the prevention of accidents to passengers and others which may be occasioned by such openings and shall finish the work and replace the said streets, squares, highways, alleys, lanes and public places in as good condition as before the commencement of the work without any unnecessary delay.

2. In the occupation of the said streets, squares, highways, alleys, lanes and public places, by the said Company during the progress of the said works or amending the same, the said Town Council shall not be held responsible for any accidents that may occur through the negligence or carelessness of the said company.

3. The street surveyor of the said Town or some other officer appointed by the Town Council, shall if thought necessary by the Council, and at the expense of the Company, superintend the laying, re-laying and repairing the said pipes and conduits so as to insure the careful observance by the Company of the provisions herein contained.

4. The Company shall supply the Town Council with such quantity of gas as they may require for lighting the streets, town hall and other public buildings of the said Town at such rate as shall be charged by the Company from time to time to the stockholders thereof being consumers.

5. Nothing in this By-law contained shall be construed to confer any exclusive rights or privileges upon the said Company other than appears upon the face hereof or to prevent the Council from extending similar rights and privileges to other companies, hereafter applying for the purpose of incorporation.

(Sgd.) JAMES SCOTT,
Mayor.

(Corporate Seal.)

(Sgd.) H. V. SANDERS,
Town Clerk.

SCHEDULE "C."

By-law No. 958 for granting to The Port Hope Gas Company, Limited, certain rights and privileges in on and under the streets of Port Hope.

Passed 16th March, 1908.

Whereas by By-law No. 121 of the Town of Port Hope, certain persons then about to become incorporated under the name of The Port Hope Gas Company were granted certain rights and privileges

vileges in, on and under the streets, squares, highways, alleys, lanes and public places of the said Town of Port Hope;

And whereas the said Company was duly incorporated for a term of fifty years from the fourteenth day of February, 1857;

And whereas the shareholders in the said Company have recently by petition to the Legislature of the Province of Ontario, applied for an Act to re-incorporate and revive the said Company from the fourteenth day of February, 1907, under the name of "The Port Hope Gas Company, Limited";

And whereas it is desirable that the said Company as and when so re-incorporated shall have the same rights, powers and privileges as were by the said By-law No. 121 granted to the said original The Port Hope Gas Company;

And whereas by subsection 3 of section 566 of *The Municipal Act*, (R.S.O. 1897, Cap. 233), it is declared and enacted that the council shall have power and authority to pass by-laws for authorizing any gas or water Company to lay down pipes or conduits for the conveyance of water or gas under streets or public squares subject to such regulations as the council sees fit;

Be it therefore enacted by the Municipal Council of the Town of Port Hope, and it is hereby enacted as follows:—

1. That the said shareholders (to be re-incorporated under the name of "The Port Hope Gas Company, Limited," for a period of fifty years from the fourteenth day of February, 1907), shall have full power and authority (the consent of the Mayor of the Town for the time being having been first had and obtained and subject to the restrictions, limitations and regulations hereinafter contained), to break up, dig and trench, so much and so many of the streets, squares, highways, alleys, lanes and public places, of the said Town of Port Hope, as may at any time be necessary for laying down the mains and pipes to conduct the gas from the works of the said Company to the consumers thereof, and to lay down all such mains, pipes and conduits as to them shall seem desirable and shall have power to take up, renew, alter or repair the same when the said Company shall deem it expedient, in all of which cases doing no unnecessary damage in the premises, and taking care as far as may be to preserve a free, uninterrupted passage for persons and vehicles through the said streets, squares, highways, alleys, lanes and public places, while the works are in progress, provided always, that the said Company shall place guards, or fences with lamps to be lighted during the night time and take all other necessary precautions for the prevention of accidents to passengers and others which may be occasioned by such openings and shall finish the work and replace the said streets, squares, highways, alleys, lanes and public places in as good condition as before the commencement of the work, without any unnecessary delay.

2. In the occupation of the said streets, squares, highways, alleys, lanes and public places, by the said Company during the progress of the said works, or amending the same, the said council shall not be held responsible for any accidents that may occur through the negligence or carelessness of the said Company.

3. The street surveyor of the said town, or some other officer appointed by the town council, shall if thought necessary by the council, and at the expense of the Company, superintend the laying, re-laying, and repairing the said pipes and conduits so as to insure the careful observance by the Company of the provisions herein contained.

4. The Company shall supply the town council with such quantity of gas as they may require for lighting the streets, town hall and other public buildings of the said town at such rate as shall be charged by the Company from time to time to the stockholders thereof being consumers.

5. Nothing in this by-law contained shall be construed to confer any exclusive rights or privileges upon the said Company other than appears upon the face hereof or to prevent the council from extending similar rights and privileges to other companies hereafter applying for the purpose of incorporation.

(Sgd.) W. H. GIDDY,
Mayor.

(Sgd.) J. W. SANDERS,
Town Clerk.

(Seal).

CHAPTER 139.

An Act to amend the Act incorporating Alma College, at St. Thomas.

Assented to 14th April, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

40 V., c. 64, s. 5,
amended.

1. Section 5 of the Act passed in the fortieth year of Her late Majesty, Queen Victoria, Chaptered 64, intituled *An Act to Incorporate Alma College, at St. Thomas*, is amended by adding thereto the following subsection:—

"Alma
Daughters"
entitled to
elect three
members of
Board.

(2) The organization of ex-students of said College known as "Alma Daughters," may elect annually three women as its representatives, who shall have the full privileges and powers of membership in said Corporation or Board; and such representatives shall be elected at the annual meeting of "Alma Daughters," or at such other time, and in such manner as the by-laws or rules of the Board of Management of Alma College shall from time to time provide; and they shall hold office for one year only or until their successors are appointed, but shall be eligible for re-election.

CHAPTER 140.

An Act respecting The Trustees of the Friends'
Seminary of Ontario.*Assented to 14th April, 1908.*

WHEREAS the Corporation of "The Trustees of the Friends' Seminary of Ontario," otherwise known as Pickering College, has by petition set forth that an Act was passed by the Legislature of the late Province of Canada in the Session held in the 10th and 11th years of the reign of Her late Majesty Queen Victoria, Chaptered 104, intituled "An Act to incorporate the Trustees of the Friends' or Quakers' Seminary" in the Township of Hallowell in the District of Prince Edward; that by an Act passed by the Legislature of Ontario in the 34th year of the said reign Chaptered 94, after reciting that it was the opinion of the Yearly Meeting of the Society of Friends that the location of the said Seminary should be changed to the Township of Pickering in the County of Ontario, it was enacted that the Yearly Meeting of the Society of Friends might establish a Seminary in the said Township of Pickering, and appoint three trustees who should be a body corporate and politic to be known as "The Trustees of the Friends' Seminary of Ontario;" that under the last mentioned Act the said Corporation acquired certain lands in the Township of Pickering, and have erected and carried on thereon an educational institution known as "Pickering College;" that the school and residential buildings on the said lands have been destroyed by fire and the said site is not now suitable for the purposes of the Corporation; that the said Corporation with the approval of the Canada Yearly Meeting of Friends have acquired certain lands in the Town of Newmarket and the Township of Whitechurch, for the purpose of erecting thereon an educational institution to be known as Pickering College, and of carrying out the objects of the said Act of Incorporation; that the said Corporation is desirous that the said lands so acquired in the Town of Newmarket shall be vested in them for the purposes of the Corporation, and that power may be granted to the Corporation to sell or otherwise dispose of any

Preamble.

any lands now held or hereafter acquired by them, and to apply the proceeds thereof for the purposes of the Corporation; that the said Corporation is desirous that the Corporation of the Town of Newmarket may be authorized to grant water and light free of charge, or at special or reduced rates for the purposes of the said College; and whereas the said Corporation has prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lands in Town of Newmarket and Township of Whitchurch, vested in Corporation.

1. The lands heretofore acquired by The Trustees of the Friends' Seminary of Ontario in the Town of Newmarket, being all and singular that certain parcel or tract of land and premises situate lying and being in the Town of Newmarket, in the Township of Whitchurch, in the County of York, and being composed of parts of the west halves of lots numbered thirty-one and thirty-two in the second concession of the Township of Whitchurch, a part of which is now in the Town of Newmarket aforesaid, and more particularly described as follows, namely:—

Commencing at a point on the east side of Prospect Street in the said Town of Newmarket, where the south side of Pearson Street intersects the same; thence southerly following the east side of Prospect Street aforesaid, twenty-two chains and eighty-nine links more or less to the northern boundary of the lands formerly sold to one Thomas Coates and now owned by one Mrs. Toole; thence easterly along the northerly boundary of the said Toole's lands eleven chains and thirty-two links more or less to the west side of the lane running almost parallel with Prospect Street; thence northerly along the west side of said lane twenty chains and sixteen links more or less to a fence bounding the southerly side of the orchard on said premises; thence westerly along the said orchard fence four chains and eighty-six links more or less to the western boundary fence of said orchard; thence northerly along the said western boundary fence of the said orchard three chains and two links more or less to Pearson Street; thence westerly along the southerly boundary of Pearson Street five chains and seventy-nine links more or less to the place of beginning, save and except therefrom that portion thereof heretofore sold for a High School, and also save and except that portion thereof heretofore sold to the Town of Newmarket for reservoir purposes.

Are vested in and shall be held by The Trustees of the Friends' Seminary of Ontario, for the purposes of the said Corporation, and the said Corporation with the consent and approval of the Committee of the Canada Yearly Meeting

ing of Friends appointed for the management of the said College may erect thereon such buildings as may be deemed necessary and proper for the purposes of an educational institution to be known as "Pickering College" to be carried on as provided by the said Act of Incorporation.

2. The said Corporation with the consent and approval of the said Committee may from time to time sell or dispose of any lands now held or hereafter acquired by the Corporation and apply the proceeds for the purposes thereof.

3. The Municipal Corporation of the Town of Newmarket may grant water and light free of charge or at such special or reduced rates as may be agreed upon for the use of the said Pickering College.

Power to sell
lands.

Town of New-
market may
grant water
and light to
College.

CHAPTER 141.

An Act respecting the International Committee of
the Young Men's Christian Associations.*Assented to 14th April, 1908.*

Preamble.

WHEREAS The International Committee of Young Men's Christian Associations; a corporation duly incorporated under the laws of the State of New York, having for its object the mental, spiritual, and physical welfare of young men, has erected at the City of Niagara Falls in the County of Welland, a building for the purposes of the said Association; and whereas the said corporation has by petition prayed that its said building and lands may be exempted from taxation, except local improvement rates, and that it be authorized to acquire and hold real estate in the said City of Niagara Falls, not to exceed an annual value at any time of ten thousand dollars; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows,—

Power of
Association to
acquire lands.

1. The International Committee of The Young Men's Christian Associations, shall have power to acquire and hold real estate in the City of Niagara Falls in the County of Welland, or any leasehold or other interest therein, providing the annual value of the real estate so acquired or held does not exceed at any one time \$10,000, and the same, or any part thereof, to alienate, exchange, mortgage, lease, or otherwise charge or dispose of as occasion may require.

Association not
to trade in
real estate.

2. Nothing herein contained shall authorize the said corporation to engage in the business of trading in real estate.

3. The building, lands and equipment of The International Committee of Young Men's Christian Associations, situated in the City of Niagara Falls, in the County of Welland, so long as occupied by and used for the purposes of the said corporation are declared to be exempted from taxation, except for school purposes and local improvements.

Exemption of property from taxation.

CHAPTER 142.

An Act to vest Certain Lands in the Trustees of the Penetanguishene Methodist Church, and to enable them to sell the same.

Assented to 14th April, 1908.

Preamble.

WHEREAS Alexander Campbell Osborne, Alfred Sneath, William West, William John Martin and Frank Yates, five of the Trustees of the Penetanguishene Methodist Church, have by their petition represented that by Letters Patent, dated at Toronto the twenty-sixth day of May, 1859, the late Province of Canada did give and grant unto the Reverend Edward Sallows, of Teeswater, in the County of Bruce; James G. Warren and George Copeland, junior, of the Town of Penetanguishene, in the County of Simcoe, Yeomen; Charles Shire and Christopher Shire, of the Township of Oro, and Edward Hawke and John Seal, of the Township of Medonte, in the said County of Simcoe, Yeomen, in trust, for the purposes below set forth, for ever, all that parcel or tract of land situate in the Town of Penetanguishene, in the County of Simcoe, in our said Province, containing by admeasurement four acres be the same more or less, being composed of Park Lot number twenty-seven, on the south side of Poyntz street, in the aforesaid Town of Penetanguishene.

“To have and to hold to them the said Edward Sallows, James G. Warren, George Copeland, junior, Charles Shire, Christopher Shire, Edward Hawke and John Seal, and the successors to be chosen and appointed as hereinafter mentioned, for ever, in trust, as a site for a place of worship for the benefit of the congregation at Penetanguishene attached to the Wesleyan Methodist Church in Canada, in connection with the English Conference”; and whereas by an Act passed in the thirty-eighth year of Her late Majesty’s reign, Chaptered 78, intituled *An Act respecting the Methodist Church of Canada*, all the property of the said “The Wesleyan Methodist Church in Canada in connection with the English Conference” became vested in a new corporation then and thereby created, known as “The Methodist

dist Church of Canada"; and whereas by an Act passed in the forty-seventh year of Her late Majesty's reign, Chaptered 88, intituled *The Methodist Church Act, 1884*, all the property in the said "The Methodist Church of Canada" became vested in the new corporation then and thereby created, known as "The Methodist Church;" and whereas the said lands have become unsuitable for the original purposes and it is desirable that they should be vested in the said petitioners with power to sell the same; and whereas it has been made to appear that certain rights and powers were reserved to the Crown by the said Letters Patent in the event of default of all or any of the conditions, provisoes, limitations and restrictions contained in the said Letters Patent; and whereas the Crown is an assenting party to the provisions of this Act as signified by the Order of the Lieutenant-Governor in Council, dated the thirteenth day of March, 1908; and whereas the said petitioners have prayed that an Act may be passed for the said purposes; and whereas, subject as is hereinafter provided, it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1 All that parcel or tract of land situate in the Town of Penetanguishene, in the County of Simcoe, in the said Province, containing by admeasurement four acres, be the same more or less, being composed of Park Lot Number 27, on the south side of Poyntz Street, in the aforesaid Town of Penetanguishene, vested in the Methodist Church, shall be held, used and administered by Alexander Campbell Osborne, Editor; Alfred Sneath, Gentleman; William West, Brickmaker; William John Martin, Clerk of the Court; and Frank Yates, Farmer, all of the Town of Penetanguishene, the Trustees of the Penetanguishene Congregation of the Methodist Church, upon the trusts set out in Schedule "A" to *The Methodist Church Act, 1884*, being Chapter 88 of the Acts passed in the forty-seventh year of Her late Majesty's reign.

Certain lands vested in Trustees Penetanguishene Methodist Church.

2. The said lands and Trustees thereof and the said Congregation and the Methodist Church are declared to be and are hereby discharged and freed from each and every of the conditions, provisoes, limitations and reversions concerning the same, set forth and declared in the hereinbefore in part recited Letters Patent.

Lands and trustees freed from conditions etc., in Letters Patent.

CHAPTER 143.

An Act respecting the Division of the Surplus Income
of the Rectory of Saint James, Toronto.*Assented to 14th April, 1908.*

Preamble.

WHEREAS the Incorporated Synod of the Diocese of Toronto has by petition represented that the said Synod has experienced great difficulty in apportioning and dividing, as empowered by the Act passed in the forty-first year of Her late Majesty's reign, Chaptered 69, the surplus income arising from the proceeds of the sales of lands belonging to the Rectory of Saint James in the City of Toronto (otherwise known as the First Rectory in the Township of York), and of the rents, issues and profits of such of the said lands respectively as remain unsold after providing the amount required by the said Act to be paid to the Rector of St. James' Cathedral, and also that doubts have arisen as to the extent of the powers of apportionment and division vested in the said Synod under the said Act; and whereas the said Synod has by its said petition prayed to be empowered to delegate to a Committee of the said Synod or to a Board of Commissioners the powers conferred on the said Synod by the said Act, and that it should be lawful for such a Committee or Board to apportion and divide the said surplus among the Incumbents of Churches of the Church of England in the City of Toronto and Township of York, and in such proportions or shares as to the said Committee or Board should seem best in the interests of the said Church, and with power to allot to any one or more of the said Incumbents a merely nominal share if it shall be thought proper; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Authority to
apportion
surplus income
of St. James
Rectory.

1. The said Synod of the Diocese of Toronto may hereafter apportion the said surplus income of the said Rectory of St. James among the Incumbents of the Churches of the

the Church of England in the City of Toronto and Township of York in such proportions, shares or amounts as the said Synod shall from time to time see fit.

2. In making such apportionment the said Synod shall not be bound or compellable to make an equal division of the said surplus, but shall have full power from time to time to allot to any one or more of the said Incumbents a merely nominal share if it shall think proper so to do; but nothing in this section contained shall authorize the said Synod to deprive any Clergyman who at the passing of this Act shall be the Incumbent of any Church in the said City or Township, of any right which he may possess under the Act passed in the 41st year of Her late Majesty's reign, Chaptered 69.

Basis of apportionment.

3. The said Synod is hereby authorized and empowered by Canon, By-law or Resolution which may be passed, amended or repealed at any Session of the said Synod, to delegate to a Committee thereof, or to a Board of Commissioners not to exceed three in number and all or any of whom may be, or may not be members of the said Synod, the power to apportion the said surplus income in as full and ample a manner as the said Synod is hereby empowered to apportion the same, and also full power to exercise all discretionary powers in relation to the division of the said surplus hereby conferred on the said Synod, and also power for that purpose to frame annually a scheme for the apportionment and division of the said surplus, and also full power for the said Board or Committee in its discretion to reconsider, vary and alter any such scheme or schemes.

Delegation of power to apportion to Committee or Board of Commissioners.

4. Any such Committee or Board shall be elected by the said Synod at its annual meeting, and the members thereof shall hold office until the election of their successors unless they shall sooner die or resign their office, but any vacancy occurring in the membership of the said Committee or Board between the annual meetings of the said Synod by death, resignation or otherwise, shall be filled by the Lord Bishop of the Diocese.

Election of Committee or Board.

5. The said Committee or Board shall report to the said Synod at each annual meeting any such scheme of division and apportionment which the said Committee or Board shall adopt, and any alteration, variation or modification which it may make of any such scheme; but the said report shall be only for the information of the said Synod; and the scheme or any alteration, variation or modification so reported shall not require confirmation or adoption by the said Synod, but shall be binding on all persons affected thereby, until repealed, altered, varied or modified by the said

Committee or Board to report annually to Synod.

said Committee or Board, and in case any such alteration, variation or modification shall be made in any such scheme after the same shall have been reported to the Synod at its annual meeting, then such alteration, variation or modification shall be reported to the Synod at its next meeting after such alteration, variation or modification shall have been adopted, but such scheme, or any alteration, variation or modification thereof may be acted upon before the same shall have been presented to the said Synod.

CHAPTER 144.

An Act respecting the Railroad and City Young Men's Christian Association of St. Thomas.

Assented to 14th April, 1908.

WHEREAS an Association under the name of "The Preamble, Railroad and City Young Men's Christian Association of St. Thomas, Ontario," was incorporated on the twenty-first day of July, 1891, under the provisions of an Act intituled *An Act respecting Benevolent, Provident and other Societies*, being Chapter 172 of the Revised Statutes of Ontario, 1887, such Association having for its object the spiritual, intellectual, social and physical welfare of railroad men and young men in the City of St. Thomas, and being governed by a constitution and by-laws which have received the assent of and been accepted by the members of the said Association; and whereas the said Association has by petition prayed that the said incorporation may be confirmed and its buildings and lands in the City of St. Thomas may be exempted from taxation; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The incorporation of the said Association is confirmed, and The Railroad and City Young Men's Christian Association of St. Thomas, Ontario, is declared to be a body corporate and politic and to have been on the twenty-first day of July, 1891, duly incorporated under the provisions of the said *Act respecting Benevolent, Provident and other Societies*, with the rights, powers, and privileges in the said Act mentioned and in every manner subject to the provisions thereof.

2. The lands conveyed to the said Association under the name of "The St. Thomas Railroad and City Young Men's Christian Association," on the thirteenth day of June, 1900,

Incorporation
of Association
confirmed.

Certain lands
declared
vested in
Association.

1900, by deed registered as No. 22,545 for St. Thomas, are declared to be duly vested in the said Association notwithstanding the variation in the name thereof in so far as the said deed would vest the same if made to the Association under its proper name.

Exemption of
property from
taxation.

3. The buildings of The Railroad and City Young Men's Christian Association of St. Thomas, Ontario, and the land whereon the same are erected are, so long as occupied by and used for the purposes of the Association, declared to be exempt from all general, municipal and school taxes (except for local improvements) to the extent of \$7,500 of the assessable value.

CHAPTER 145.

An Act respecting The Western University and College.

Assented to 14th April, 1908.

WHEREAS the Western University and College (hereinafter called the University) has by its petition represented that it was incorporated by an Act passed in the 41st year of Her late Majesty's reign, Chaptered 70 (hereinafter called the principal Act) as amended by the Act passed in the 45th year of the said reign, Chaptered 89, and as further amended by the Act passed in the 6th year of His Majesty reign, Chaptered 140 (hereinafter called the Act of 1906); and whereas the University has by its petition prayed that the said Acts may be further amended so as to enable the University to receive aid from the Corporation of the City of London (hereinafter called the City); and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The City may pay to the Board of Governors (hereinafter created) for the use of the University for the establishment and maintenance of a Faculty of Arts such sum as may be agreed upon by the City and the University to be paid in each year for such term as the City may determine upon, not exceeding the term of five years, commencing with the first day of June, 1908, the first yearly payment to be made on the first day of June, A.D. 1908. City of London authorized to grant money for establishment of a Faculty in Arts

2. The City may continue after the expiration of the said term to make annual payments of the sum agreed upon to the Board of Governors for the use of the University for the maintenance of the Faculty of Arts, provided the payments are consecutive, and it shall not be necessary to obtain the assent of the ratepayers for any payment provided for by sections 1 or 2 of this Act. Annual payments by city after expiration of five years.

Sec. 11 of 6,
Edward VII.,
repealed.

3. Section 11 of the Act passed in the 6th year of His Majesty's reign, Chaptered 140, is hereby repealed.

Constitution of
the University
Corporation.

4.—(1) From the first day of June, 1908, and while the City shall pay annually to the Board of Governors, the said sum so to be agreed upon, the Corporation of the University shall, subject to the provisions of section 10 of this Act, consist of the members of the Board of Governors of the University, to be elected and appointed as hereinafter provided.

Constitution of
Board of
Governors.

(2) The Board of Governors shall be constituted as follows:—The Municipal Council of the City shall from time to time appoint four Governors, the Lieutenant-Governor of the Province of Ontario in Council may from time to time appoint four Governors and the eight Governors so appointed shall elect four Governors. Of the Governors first appointed and elected one-half shall hold office for two years. All other Governors shall hold office for four years. The Chancellor (if any) and the President of the University shall be *ex-officio* members of the Board of Governors. Five Governors shall form a quorum. No person shall be eligible to be elected or appointed as a member of the Board of Governors unless he is a British subject and a resident in the Province of Ontario.

Powers and
duties of the
Board of
Governors.

(3) The Board of Governors may elect a Chairman and Vice-Chairman and may, from time to time, enact Statutes and repeal or amend the same.

(4) Unless and until other or different provisions are made by the Board of Governors by Statute,

(a) The government, conduct, management and control of the University and of the property, revenues, business and affairs thereof shall be vested in the Board.

(b) The Board shall appoint (and fix the salaries and tenure of office of) the President of the University; the professors, teachers and instructors; a Librarian, a Bursar and a Registrar, and all such officers, clerks, employees and servants as the Board may think necessary.

(c) All the property of the University shall be vested in the Board and shall be invested as the Board may provide, but subject to the terms of any trust affecting any moneys or property hereinafter to become the property of the University.

(d) Any person may, subject to the approval of the Board, endow a chair or found a scholarship.

(e)

(e) The Board shall have power to purchase, receive, accept, expropriate, and acquire and hold all land and other property given to or acquired for the University.

(f) All proceedings by or against the Board may be had and taken in the name of The Board of Governors of The Western University of London, Ontario.

(g) The Board may establish such faculties, departments, chairs and courses of instruction in any subject (except Theology) as to the Board may seem meet, and may fix all graduation fees and the tuition fees payable by students in the faculties whose instructors are paid by the Board.

(h) The accounts of the Board shall be audited at least once a year.

(5) All property vested in the Board shall be exempt from taxation for provincial, municipal or school purposes.

(6) No religious test shall be required of any professor, lecturer, teacher, officer or servant, or of any student, nor shall any religious observances according to the forms of any particular religious denomination or sect be imposed on them.

(7) The students of any affiliated Theological College shall pay such proportion of the annual tuition fee as the number of lectures they attend bears to the total number in their course.

(8) The Board shall provide for the affiliation of any College or School in Canada, established for teaching Divinity, Arts, Science, Law, Medicine, Engineering, Agriculture, or any other useful branch of learning, and make provision for the suspension or dissolution of any affiliation.

5.—(1) There shall be a Senate of the University, the members of which shall from time to time be appointed and elected as follows: Two members shall be appointed by each affiliated College or School. Two members shall be appointed by each Faculty, except the Faculty in Arts. Two members shall be appointed by the Board of Governors. One member may be appointed by each County Council and City Council in the following Counties, namely, Brant, Bruce, Elgin, Essex, Grey, Huron, Kent, Lambton, Middlesex, Norfolk, Oxford, Perth and Waterloo. Two members (in addition to the one above provided for) may be appointed by the Municipal Council of the City. One member may be appointed by each of the School Boards in the City. One member shall be elected by the graduates of each Faculty and

Constitution of
the Senate.

and of each affiliated College or School. The President of the University and the Professors of the Faculty in Arts shall be *ex-officio* members of the Senate.

(2) Until varied or other provisions are made by the Senate, by Statute, each appointment or elected Senator shall hold office for one year.

(3) Any retiring Governor or Senator shall be eligible for re-appointment or re-election as the case may be.

Powers and
duties of the
Senate.

(4) The Senate may confer degrees in any subject taught in the University, or in any affiliated College or School, may regulate the curriculum for, and the admission of students, and the qualifications for degrees, may create Faculty Councils; and may enact statutes regulating the matters in this section referred to, and may from time to time amend or repeal any statute.

(5) All candidates for graduation in Arts from any affiliated Theological College actually teaching in the City of London shall be exempt from the graduating fee.

(6) The Theological options for an Arts degree shall be not less than those now available in Toronto University.

(7) Honorary degrees in Divinity shall be conferred without fees upon the recommendation of any Theological College in affiliation with the University.

(8) Degrees in Divinity obtained by examination shall be conferred by the University on the recommendation of any affiliated Theological College on the payment to the University of the fees therefor.

University to
be undenom-
inational.

6. The government of the University shall be absolutely undenominational and under public, municipal or provincial control or any or all of them.

Section 1 of
45 Vic., c. 89,
repealed.

7. Section 1 of the Act passed in the 45th year of the reign of Her late Majesty Queen Victoria, Chaptered 89, is hereby repealed.

41 Vic., c. 70,
and 6 Edw.
VII., c. 140, in
part suspended.

8. So long as the City shall continue to pay to the Governors for the use of the University the said sum per annum referred to in sections 1 and 2 hereof, and so long as the University (including the Faculty in Arts therein), whether with or without such payment, continues to be efficiently maintained in the said City and to be absolutely undenominational and under public, municipal or provincial control, the operation of sections 1 (except the words "a College with University powers is hereby established at the City of London, in the Province of Ontario") and 3 of the principal Act and sections 1, 2, 3, 4, 5 and 6 of the Act of 1906 shall be suspended.

9. During such period of suspension the University shall be the corporation as hereinbefore constituted, with perpetual succession and a common seal, and shall be called "The Western University of London, Ontario."

Name of
University.

10. If at any time the City shall not on the first day of June in any year, whether before or after the expiration of the said term of five years, pay to the Governors for the use of the University, the said sum so agreed upon, if the payment of the agreed sum is necessary for the efficient maintenance of the University (including the Faculty in Arts therein); or if the University (including the Faculty in Arts therein), whether with or without such payment, shall at any time cease to be efficiently maintained in the said City; or cease to be absolutely undenominational, or pass from public, municipal or provincial control, then and in any of such cases the provisions of sections 4, 5, 6, 7, 8 and 9 of this Act shall forthwith cease to have any operation or effect, and the suspension provided for in section 8 of this Act shall be removed, and the Act passed in the 6th year of His Majesty's reign, Chaptered 140, shall revive and be in force.

Removal of
suspension on
withdrawal of
municipal aid.

11. The Senate of the University may confer degrees (including honorary degrees) in any department of learning.

Power to con-
fer degrees.

CHAPTER 146.

An Act respecting The Young Women's Christian Association of St. Thomas.

Assented to 14th April, 1908.

Preamble.

WHEREAS an Association under the name of "The Young Women's Christian Association of St. Thomas" was incorporated on the sixth day of December, 1905, under the provisions of an Act intituled *An Act respecting Benevolent, Provident and other Societies*, being Chapter 211 of the Revised Statutes of Ontario, 1897, such Association having for its object the spiritual, intellectual, social and physical welfare of young women in the City of St. Thomas, and being governed by a constitution and by-laws which have received the assent of and been accepted by the members of the said Association; and whereas the said Association has by petition prayed that the said incorporation may be confirmed and its buildings and lands in the City of St. Thomas may be exempted from taxation; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation
of Association
confirmed.

1. The incorporation of the said Association is hereby confirmed, and The Young Women's Christian Association of St. Thomas is declared to be a body corporate and politic and to have been on the sixth day of July, 1905, duly incorporated under the provisions of the said *Act respecting Benevolent, Provident and other Societies*, with the rights, powers, and privileges in the said Act mentioned and in every manner subject to the provisions thereof.

Certain lands
declared vested
in Association.

2. The lands conveyed to the said Association under the name "The Young Women's Christian Association of St. Thomas, Limited," by the Merchants Bank of Canada
by

by deed registered as No. 28,259 for St. Thomas are hereby declared to be duly vested in the said Association notwithstanding the variation in the name thereof in so far as the said deed would vest the same if made to the Association under its proper name.

3. The buildings of The Young Women's Christian Association of St. Thomas and the land whereon the same are erected are, so long as occupied by and used for the purposes of the Association, declared to be exempt from all general municipal and school taxes (except for local improvements) to the extent of \$3,000 of the assessable value.

Exemption of property from taxation.

TABLE

SHEWING

REVISED STATUTES AND SUBSEQUENT ACTS AFFECTED BY ACTS OF 8 EDWARD VII.

| Act repealed or amended. | Subject matter. | How affected. | Chap. of 8 Edw. VII. |
|--------------------------------------|---|---------------|----------------------|
| Rev. Stat. c. 6 | Representation of the People..... | Repealed | 2 |
| Rev. Stat. c. 9 & all amendments to | } Elections, | Repealed | 3 * |
| Rev. Stat. c. 11 & all amendments to | } Controverted Elections..... | Repealed | 4 |
| Rev. Stat. c. 12 & all amendments to | } Legislative Assembly..... | Repealed | 5 |
| Rev. Stat. c. 14 & all amendments to | } Executive Council..... | Repealed | 6 |
| Rev. Stat. c. 17 | Sheriffs..... | Amended | 7 |
| Rev. Stat. c. 19 & all amendments to | } Public Enquiries..... | Repealed | 8 |
| Rev. Stat. c. 21 & all amendments to | } Consolidated Revenue..... | Repealed | 10 |
| Rev. Stat. c. 23 & all amendments to | } Audit of Public Accounts..... | Repealed | 9 |
| Rev. Stat. c. 28 | Public Lands | Amended | 16 |
| “ c. 29 | Free Grants and Homesteads..... | Amended | 17 |
| “ c. 30 | Rainy River Free Grants | Amended | 18 |
| “ c. 39 | Sale of Liquor near Public Works | Amended | 33 |
| Rev. Stat. c. 44 & all amendments to | } Registration of Births, Deaths and Marriages..... | Repealed | 28 |
| Rev. Stat. c. 45 | Niagara Falls Park, | Amended | 29 |
| “ c. 52 | Judicature..... | Amended | 34 |
| “ c. 59 | Surrogate Courts | Amended | 33 |
| “ c. 61 | Jurors..... | Amended | 33 |
| “ c. 77 | Executions | Amended | 33 |

| Act repealed or amended. | Subject matter. | How affected. | Chap. of 8 Edw. VII. |
|--------------------------|-------------------------------------|---------------|----------------------|
| " c. 87 | Police Magistrates..... | Amended | 33 |
| " c. 90 | Summary Convictions..... | Amended | 33 |
| " c. 97 | Coroners | Amended | 33 |
| " c. 102 | Criminal Justice Accounts | Amended | 37 |
| " c. 109 | Unorganized Territory | Amended | 33, 36 |
| Rev. Stat., c. 110 | Land Titles..... | Amended | 38 |
| " c. 136 | Registration of Deeds..... | Amended | 33 |
| " c. 157 | Master and Servant | Amended | 33 |
| " c. 162 | Solemnization of Marriages | Amended | 33 |
| " c. 170 | Pharmacy | Amended | 40 |
| " c. 172 | Law Society | Amended | 39 |
| " c. 200 | Heat, Light and Power Companies.... | Amended | 33 |
| " c. 203 | Insurance Companies..... | Amended | 33 |
| " c. 205 | Loan Corporations..... | Amended | 33 |
| " c. 213 | Cemetery Companies..... | Amended | 33 |
| " c. 214 | Burial Grounds | Amended | 33 |
| " c. 226 | Drainage | Amended | 52 |
| " c. 245 | Liquor Licenses..... | Amended | 54 |
| " c. 248 | Public Health | Amended | 33 |
| " c. 251 | Milk, Cheese and Butter | Repealed | 55 |
| " c. 256 | Factories | Amended | 57 |
| " c. 257 | Shops | Amended | 58 |
| " c. 259 | Neglected Children | Repealed | 59 |
| " c. 263 | Egress from Public Buildings | Amended | 60 |
| " c. 267 | Forest Fires..... | Amended | 61 |
| " c. 279 | Noxious Weeds | Amended | 62 |
| " c. 284 | Line Fences..... | Amended | 63 |
| " c. 285 | Ditches and Watercourses | Amended | 64 |
| " c. 307 | Religious Institutions | Amended | 33 |
| 46 Vict. c. 46 | Chartered Accountants | Amended | 42 |

| Act repealed or amended. | Subject matter. | How affected. | Chap. of 8 Edw. VII. |
|---|--|--|----------------------|
| 61 Vict. c. 5, s. 6 | Representation of the People | Repealed | 2 |
| 61 " c. 10 | Forest Reserves..... | Amended | 20 |
| 62 " (2) c. 8 (and all amend- ments to) | Supplementary Revenues..... | Repealed | 14 |
| 62 Vict. (2) c. 23 | Land Grant to Ontario, Hudson Bay & Western Railway. | Amended | 33 |
| 63 " c. 17, s. 1 | Representation of the People..... | Repealed | 2 |
| 63 " c. 24 | Extra-Provincial Corporations | Amended | 33 |
| 1 Edw. VII., c. 6 | Volunteer Land Grants..... | Amended | 19 |
| 1 " c. 39 | Public Schools..... | Amended | 33, 67 |
| 2 Edw. VII. c. 4 | Representation of the People..... | Repealed | 2 |
| " c. 41 | Separate Schools..... | Amended | 68 |
| 3 Edw. VII. c. 6 | Niagara River Improvements..... | Repealed | 29 |
| " c. 7 | Statute Law Amendments (Factories).. | Amended | 33 |
| " c. 19 | Municipal Institutions..... | Amended | 33, 43, 51 |
| " c. 38 | Houses of Refuge..... | Amended | 69 |
| 4 Edw. VII. c. 18 | Land Grant to G. T. P. Ry..... | Amended | 33 |
| " c. 20 | Aid to Canadian Northern Ont. Ry.... | Amended | 47 |
| " c. 23 | Assessment | Amended | 50 |
| 5 Edw. VII. c. 2 & all amendments to | } Provincial Loans | Repealed | 12 |
| 6 Edw. VII. c. 11 & all amendments to | } Mines..... | Repealed except s. 3 (2) & ss. 4, 5. | 21 |
| 6 Edw. VII. c. 17 | Agricultural Associations | Amended | 25 |
| " c. 18 | Horticultural Societies..... | Amended | 27 |
| " c. 19 | Statute Law Amendments (Aid to Canada Central Railway)..... | Amended | 33 |
| " c. 20 | Agricultural Societies | Amended | 26 |
| " c. 30 | Railways..... | Amended | 44, 45 |
| " c. 31 | Railway and Municipal Board | Amended | 46 |
| " c. 41 | Municipal Telephones | Repealed | 49 |

| Act repealed or amended. | When repealed. | How affected. | Chap. of 8 Edw. VII. |
|--------------------------|--|---------------|----------------------|
| 6 Edw. VII. c. 46 | Motor Vehicles..... | Amended | 53 |
| " c. 48 | Milk, Cheese and Butter..... | Repealed | 55 |
| " c. 52 | Department of Education..... | Amended | 66 |
| " c. 59 | Toronto General Hospital..... | Amended | 33 |
| " c. 77 | County of Middlesex..... | Repealed | 33 |
| 7 Edw. VII. c. 2 | Interpretation | Amended | 33 |
| " c. 4 | Voters' Lists | Amended | 33 |
| " c. 5 | Manhood Suffrage Registration..... | Amended | 33 |
| " c. 9 | Supplementary Revenue, 1907..... | Amended | 15 |
| " c. 10 | Succession Duties | Amended | 33 |
| " c. 16 | Improvement of Public Highways..... | Amended | 23 |
| " c. 18 | Temiskaming & Northern Ontario Ry.. | Amended | 33 |
| " c. 22 | Burlington Beach | Amended | 31 |
| " c. 23 | Statute Law Amendments (Aid to Bracebridge & Trading Lake Ry.). | Amended | 33 |
| " c. 23 | Statute Law Amendments (Ontario & Minnesota Power Company)..... | Amended | 33 |
| " c. 25 | District of Sudbury..... | Amended | 33 |
| " c. 29 | Registration of Deeds..... | Amended | 33 |
| " c. 32 s. 5 | Stationary Engineers | Amended | 41 |
| " c. 34 | Companies..... | Amended | 43 |
| " c. 49 | Game and Fisheries | Amended | 65 |
| 8 Edw. VII. c. 118 | West Toronto..... | Amended | 33 |

INDEX

TO

ACTS OF THE PROVINCE OF ONTARIO

Fourth Session, Eleventh Legislature,
8 Edward VII., 1908.

A

| | PAGE. |
|---|-------|
| ACCOUNTANTS, | |
| <i>See</i> CHARTERED ACCOUNTANTS | 386 |
| ADMINISTRATION OF JUSTICE, | |
| Statute Law Amendments | 352 |
| <i>See</i> JUDICATURE | 404 |
| ADULTERATION, | |
| municipal by-laws respecting | 405 |
| of bread | 434 |
| AGRICULTURAL ASSOCIATIONS, | |
| application of Act to Gardeners' and Florists' Associations..... | 327 |
| who may take affidavits as to number of members, etc. | 327 |
| application of Act to Ontario Horticultural Exhibition | 327 |
| AGRICULTURAL SOCIETIES, | |
| provincial grant in aid of | 328 |
| distribution of | 328 |
| change of names of certain societies | 328 |
| certain societies incorporated and declared to be subject to Act... | 328 |
| electoral district societies for County of Norfolk united..... | 329 |
| Springfield Horticultural Society authorized to dispose of certain | |
| lands | 329 |
| Colborne Horticultural Society, name changed to Colborne and | |
| Haldimand Agricultural Society | 328 |
| Freelton Agricultural Society, name changed to West Flamboro | |
| Agricultural Society | 328 |
| Richmond Hill and Yonge Street Agricultural Society, name | |
| changed to Richmond Hill Agricultural Society | 328 |
| ALMA COLLEGE AT ST. THOMAS, | |
| Alma Daughters entitled to elect three members to board | 810 |
| ALPHA MINING COMPANY, | |
| payment of \$130,000 in settlement of claims authorized | 368 |
| AMUSEMENT HALLS, | |
| by-laws regulating location of | 405 |
| regulations as to cinematographs | 452 |
| ASHFIELD, TOWNSHIP OF, | |
| By-law No. 8 of 1907, guaranteeing certain bonds of the Ontario | |
| West Shore Electric Ry. Co., confirmed | 786 |
| ASSEMBLY, | |
| representation in. <i>See</i> REPRESENTATION | 6 |
| means Legislative Assembly | 352 |
| consolidation of Acts respecting. <i>See</i> LEGISLATIVE ASSEMBLY | 143 |
| ASSESSMENT AMENDMENTS, | |
| hospitals, lands occupied by tenant, etc., not exempt | 414 |
| exempted property liable for local improvements | 414 |

ASSESSMENT AMENDMENTS.—*Continued.*

| | PAGE. |
|--|-------|
| returns by telegraph and telephone companies, time for delivery of | 414 |
| extent of exemption of income in cities and towns | 414 |
| school census | 414 |
| mines, tax on income from | 414 |
| taking assessment between 30th September and 30th April..... | 415 |
| notice of address to which tax bills to be sent | 415 |

ASSIZE OF BREAD,

| | |
|---|-----|
| repeal of powers of municipalities as to regulating | 405 |
|---|-----|

AUBURN WOOLLEN COMPANY,

| | |
|--|-----|
| fixing assessment of property of, in City of Peterborough..... | 649 |
|--|-----|

AUDITING PUBLIC ACCOUNTS,

| | |
|---|----------|
| treasury board | 167 |
| auditor, appointment and salary of | 168 |
| tenure of office | 168 |
| appointment of auditor pro tem during illness or absence..... | 168 |
| appointment of officers and clerks in office | 168 |
| powers of | 168 |
| auditor to examine and cancel securities with assistant treasurer... | 168 |
| deputy heads, etc., to audit accounts in first instance | 168 |
| what accounts to be audited | 169 |
| examination of vouchers | 169 |
| examination on oath | 169 |
| auditor to see that public money not expended without or in excess of appropriation | 169 |
| when certificate of auditor may be dispensed with on issue of cheques | 169 |
| when auditor reports no legislative authority | 169 |
| cases of emergency | 170 |
| Treasury Board to judge as to sufficiency of objections | 170 |
| statement of auditor as to cases in which he has refused to certify to be inserted in public accounts | 170 |
| countersigning cheques | 170 |
| cheque record book to be kept | 170 |
| accounts for services performed, etc., to be certified by officer in charge | 171 |
| criminal investigations, payments to be made on certificate of Attorney-General or Deputy | 171 |
| regulations as to travelling and living expenses of officers..... | 171 |
| financial year | 171 |
| preparation of public accounts | 172 |
| temporary loans | 172 |
| Treasury Board may alter time for accounting | 172 |
| appropriation ledger | 172 |
| differences as to appropriation to be charged, decision of Treasury Board | 172 |
| payments in excess of appropriation | 172 |
| approval of Treasury Board | 173 |
| payment of items after concurrence | 173 |
| report of over expenditure | 173 |
| particulars to be mentioned in report | 173 |
| examination and audit of certain accounts by direction of Treasurer and under regulations of Treasury Board..... | 173, 174 |
| accountants to submit accounts to auditor | 174 |
| who to be deemed accountants | 174 |
| report of auditor on examination directed by Treasurer..... | 174 |
| certificate of auditor discharging accountant | 174 |
| recovery of balances | 175 |

B.

BANKS,

| | |
|--|-----|
| provincial tax upon. See SUPPLEMENTARY REVENUE | 186 |
|--|-----|

BARRIE, TOWN OF,

| | |
|---|-----|
| agreement with Grand Trunk Railway authorized | 368 |
|---|-----|

| | PAGE. |
|--|-------|
| BEAMSVILLE, VILLAGE OF, tramway of Wm. Gibson, application of Ont. Ry. Act, etc., to..... | 468 |
| BEMIS, J. H., assessment of property of, in Township of Crowland | 495 |
| BENNETT, JAMES G., provisions as to marriage of | 362 |
| BERLIN, TOWN OF, by-laws authorizing contract with Power Commission confirmed... | 308 |
| BICYCLES, licensing and regulating collectors and vendors of | 405 |
| BILLIARD TABLES, by-laws for licensing in proprietary clubs | 405 |
| BIRTHS, MARRIAGES AND DEATHS, See VITAL STATISTICS | 332 |
| BONES, licensing and regulating collectors and vendors of | 405 |
| BOTTLES, licensing and regulating collectors and vendors of | 405 |
| BRACEBRIDGE AND TRADING LAKE RAILWAY, time for earning subsidy | 367 |
| BRANTFORD, CITY OF, by-laws authorizing contract with Power Commission confirmed ... | 308 |
| frontage tax for construction of sewers | 470 |
| construction of certain sanitary sewers authorized | 470 |
| construction of railway spur line | 470 |
| construction of bridges across canal | 471 |
| certain local improvement by-laws confirmed | 471 |
| BREAD, repeal of power of municipalities as to regulating assize of..... | 405 |
| standard weight of loaf | 433 |
| labels | 433 |
| fancy bread | 433 |
| scales to be kept by maker | 433 |
| adulteration | 434 |
| appointment and duties of inspector | 434 |
| taking average weight of ten loaves | 434 |
| certificate of analyst of Provincial Board of Health to be <i>prima facie</i> evidence | 434 |
| penalty | 434 |
| BRIDGES, order fixing contribution for building and maintenance of..... | 406 |
| agreement for maintenance of by local municipality and county... | 406 |
| BUILDINGS, regulations as to egress from | 452 |
| application of provisions as to means of egress from | 452 |
| BURLINGTON BEACH, authority to borrow \$20,000 for improvements, etc..... | 348 |
| application of <i>Municipal Water Works Act</i> | 348 |
| BURIAL GROUNDS, owner, etc., to register name with Provincial Registrar | 364 |
| powers of trustees as to expropriation | 364 |
| BUTTER, manufacture of | 427 |
| BY-LAWS. See MUNICIPAL INSTITUTIONS | |
| C. | |
| CANADA CENTRAL RAILWAY, time for earning subsidy | 366 |
| company to spend sufficient moneys on part of line before 15th of August, 1908 to satisfaction of Railway Board | 756 |
| time for completion of railway extended | 756 |
| application of provisions of <i>Ontario Railway Act</i> | 756 |
| CANADA IRON FURNACE COMPANY, LTD., fixed assessment of property of in Town of Midland | 588 |

| | PAGE. |
|---|-------|
| CANADA RAILWAY NEWS COMPANY, by-law No. 288 of the Townships of McLean and Ridout fixing assessment of property of, confirmed | 579 |
| CANADIAN COLORED COTTON MILLS COMPANY, assessment of property of in Town of Cornwall | 490 |
| CANADIAN NORTHERN ONTARIO RAILWAY, guarantee of certain securities by Province authorized | 399 |
| CANADIAN PORTLAND CEMENT CO., assessment of property of in Township of Humberstone | 541 |
| CANNING FACTORIES, employment of children in | 435 |
| CARLETON, COUNTY OF, office hours in Registry office | 361 |
| CEMETERY COMPANIES, owner etc., of burial ground to register name with Provincial Registrar | 364 |
| CENTRAL ONTARIO RAILWAY COMPANY, fixing assessment of property of in Town of Trenton | 710 |
| CERTIORARI, procedure substituted for writ or order nisi | 369 |
| notice of motion | 369 |
| return by magistrate | 369 |
| notice to be returnable before Judge in Chambers | 370 |
| limitation of time for making application, security by applicant... .. | 370 |
| powers of Judge | 370 |
| appeals | 370 |
| provisions to come in force on proclamation | 371 |
| CHARTERED ACCOUNTANTS—INSTITUTE OF | 386 |
| institute continued | 386 |
| objects | 386 |
| council meetings | 387 |
| council etc., election of members, etc | 387 |
| officers | 387 |
| fees of members | 387 |
| by-laws | 387 |
| examinations | 388 |
| admitting persons qualified as members of other bodies | 388 |
| lectures and classes | 388 |
| right of members to use certain designations exclusively... .. | 388 |
| honorary membership | 389 |
| register | 389 |
| suspension and expulsion of members | 389 |
| rights of certain persons not affected | 389 |
| CHEESE, manufacture of | 427 |
| CHILDREN, employment of in factories | 435 |
| CHILDREN'S PROTECTION ACT, See NEGLECTED CHILDREN | 437 |
| CINEMATOGRAPHS, regulations as to exhibitions | 452 |
| CLARKE & CLARKE, LIMITED, assessment of property of in Township of York | 752 |
| CLINTON, TOWN OF, power to pass by-law releasing W. Doherty & Co., from payment of part of moneys loaned, etc | 474 |
| application of moneys repaid by company | 475 |
| CLUBS, by-laws for licensing billiard tables, etc., in proprietary clubs..... | 405 |
| COBALT, TOWN OF, special provision as to tax on income from mines | 415 |
| power to borrow \$75,000 to construct waterworks and sewerage systems | 478 |
| COCAINE, restrictions upon sale of | 383 |

| | PAGE. |
|--|---------|
| COLEMAN, TOWNSHIP OF, | |
| authority to guarantee debentures of Town of Cobalt for water-works and sewerage systems | 479 |
| COLLINGWOOD, TOWN OF, | |
| agreement to convey certain lands, etc., to The Collingwood Ship-building Company, confirmed | 482 |
| COLONIAL WEAVING CO., LTD., | |
| by-law No. 1,334 of the City of Peterborough to grant \$3,500 to Co., confirmed | 649 |
| COMPANIES, | |
| return to be made by Extra-Provincial Corporations | 363 |
| application of Act | 390 |
| petition for supplementary letters patent | 390 |
| amendments to former Act | 390-392 |
| pledging or selling securities | 391 |
| promissory notes, etc., issued in ordinary course of business | 391 |
| quorum of directors | 391 |
| changing number of directors or head office | 391 |
| confirmation and filing of by-law | 391 |
| returns by certain companies | 392 |
| trust companies | 392 |
| CONSOLIDATED REVENUE FUND. | |
| moneys received from Dominion on account of certain trust funds, how to be dealt with | 183 |
| what moneys included in | 176 |
| permanent charges upon | 176 |
| investment of surplus moneys | 176 |
| securities etc., vested in Treasurer by virtue of his office, to vest in his successor | 177 |
| payments under warrant of Lieutenant-Governor | 177 |
| Lieutenant Governor in Council authorized to borrow \$4,000,000. securities to be free from provincial taxes | 178 |
| provisions as to loans upon credit of. <i>See</i> LOANS | 179 |
| payments into, of certain moneys on account of trust funds held by Dominion | 183 |
| CONTRACTS WITH CROWN, | |
| execution of by member of Executive Council | 357 |
| CONTROVERTED ELECTIONS, | |
| interpretation, | 119 |
| "candidate" at an election and "candidate" | 119 |
| "corrupt practices" and "corrupt practice" | 119 |
| "county" | 119 |
| "county court" | 119 |
| "election" | 119 |
| "election court" | 119 |
| "election list" | 119 |
| "member" | 120 |
| "petition" | 120 |
| "prescribed" | 120 |
| "public moneys" | 120 |
| "the registrar" | 120 |
| "rules of court" | 120 |
| "the court" | 120 |
| practice as in High Court | 120 |
| rules of court to be made by Supreme Court | 121 |
| to be laid before Legislature | 121 |
| present rules continued | 121 |
| petition | 121 |
| subject matter of | 121 |
| by whom to be presented | 121 |
| joint respondents | 121 |
| returning officer complained against | 121 |
| complaint of no return | 121 |
| time for presentation | 122 |
| form and signature to | 122 |
| cross petitions | 122 |

CONTROVERTED ELECTIONS.—*Continued.*

| | PAGE. |
|---|-------|
| presentation, to whom made | 122 |
| local registrar to send notice to registrar | 122 |
| registrar to notify clerk of Crown in Chancery | 122 |
| affidavit and particulars | 122 |
| publication of notice of presentation | 123 |
| form of notice | 123 |
| disclaimer not to affect right of petitioner | 123 |
| notice of | 123 |
| petition by leave of judge notwithstanding disclaimer | 123 |
| security for costs | 124 |
| to be deposited in bank | 124 |
| service within ten days, after security given | 124 |
| manner of service | 124 |
| service out of Ontario | 124 |
| examination of parties and production of documents | 125 |
| when and how parties may be examined | 125 |
| member not required to attend for examination during session. | 125 |
| stay of examination may be ordered | 125 |
| examination of candidate claiming seat | 125 |
| before whom examination to be had | 125 |
| costs of preliminary examination. | 125 |
| depositions to be filed | 126 |
| production of bills and vouchers | 126 |
| verified copies to be filed | 126 |
| prisoners to be produced for examination | 126 |
| depositions—use of by opposite party | 126 |
| trial of petitions | 126 |
| list of petitions to be made | 126 |
| order of trial | 126 |
| several petitions, trial of | 126 |
| trial by two judges of Supreme Court without jury | 126 |
| assigning judges for trial | 127 |
| substituting judges | 127 |
| appointing judges to arrange trials | 127 |
| registrar of election court | 127 |
| absence of | 127 |
| salary of | 127 |
| place of trial | 127 |
| adjournment of trial | 127 |
| continuing trial at Toronto | 127 |
| notice of trial | 127 |
| judges, reception of and attendance on | 128 |
| judge, power of | 128 |
| trial or appeal continued notwithstanding prorogation, dis- solution or acceptance of office | 128 |
| substituting petitioner | 128 |
| time for commencement of trial | 128 |
| postponing trial | 128 |
| extending time for trial | 128 |
| trial, when not held during session | 128 |
| evidence of corrupt practice | 129 |
| cross evidence of undue return | 129 |
| witness, how subpoenaed and sworn | 129 |
| witness may be summoned by the court | 129 |
| court may examine witness | 129 |
| cross examination of witness | 129 |
| prisoner ordered before court | 129 |
| privilege, persons not excused on ground of | 129 |
| certificate of indemnity to witness | 130 |
| stay of proceedings against witness who has received certificate. | 130 |
| witness found guilty on his own evidence | 130 |
| expenses of witness | 130 |
| court to certify determination to speaker | 130 |
| report of corrupt practices | 131 |
| special report | 131 |
| certificate to Court of Appeal | 181 |

CONTROVERTED ELECTIONS.—*Continued*

| | PAGE. |
|---|-------|
| certificate not to issue during time when appeal may be had... | 131 |
| report to be made by both judges | 131 |
| report where judges differ | 131 |
| report to be communicated to Assembly by Speaker | 132 |
| election set aside and appeal entered | 132 |
| writ for new election, when to be issued | 132 |
| special case | 132 |
| case stated to Court of Appeal | 132 |
| preliminary questions of law referred to Court of Appeal..... | 132 |
| appeals | 133 |
| certificate where judges disagree | 133 |
| registrar to certify to Speaker | 133 |
| court may refer case back to election court | 133 |
| appeal by parties | 133 |
| security for appeal | 133 |
| setting down appeal | 133 |
| precedence of appeal | 133 |
| notice of setting down | 133 |
| hearing of and judgement on | 134 |
| court may review decision on facts as well as law | 134 |
| amendment and receiving further evidence | 134 |
| witness, report upon credibility of | 134 |
| security, order for disposition of | 134 |
| judgment of court to be certified to speaker | 134 |
| new trial may be ordered | 134 |
| judgment of Court of Appeal to be final | 134 |
| no appeal from finding of election court in certain cases | 134 |
| withdrawal and abatement of petitions | 135 |
| petition not to be withdrawn without leave of court | 135 |
| notice of application | 135 |
| all petitioners to join | 135 |
| substituting new petitioner | 135 |
| applicant substituted as sole petitioner | 135 |
| security, how disposed of | 135 |
| security to be given by substituted petitioner | 135 |
| liability of substituted petitioner | 135 |
| costs | 135 |
| report if withdrawal was corruptly arranged | 135 |
| abatement on death of petitioner | 136 |
| liability for cost on abatement | 136 |
| notice of abatement to be given in electoral district | 136 |
| substituting petitioner on abatement | 136 |
| substituting where petitioner not duly qualified | 136 |
| respondent, death of | 136 |
| seat vacant by resolution of Assembly | 136 |
| respondent abandoning seat | 136 |
| new respondent may be substituted | 136 |
| notice to be given in electoral district | 136 |
| trial adjourned pending notice | 136 |
| respondent not opposing petition not to act, sit or vote | 137 |
| corrupt practices—trial of | 137 |
| summary trial court, constitution of | 137 |
| election court to be summary trial court | 137 |
| order where person charged with corrupt practice | 137 |
| service of order | 137 |
| warrant on non-attendance | 137 |
| trial of case | 137 |
| powers of court | 137 |
| person charged allowed counsel | 137 |
| order for payment of penalty and imprisonment | 138 |
| costs, enforcing payment of | 138 |
| imprisonment in default of payment of penalty | 138 |
| imprisonment, when to begin | 138 |
| powers of court to enforce orders | 138 |
| judgment to be a bar to further proceedings | 138 |
| person charged present in court | 138 |

| CONTROVERTED ELECTIONS —Continued. | | PAGE. |
|--|-----------|-------|
| prosecution of charges directed by court | | 139 |
| fees for counsel under direction of court | | 139 |
| witness fees | | 139 |
| order for payment of penalty and execution | | 139 |
| application of money penalties | | 139 |
| trial for corrupt practices to follow trial of petition | | 139 |
| limitation of time for prosecution | | 140 |
| costs, general provisions as to | | 140 |
| in discretion of court | | 140 |
| where petition filed before notice of disclaimer | | 140 |
| agent ordered to pay | | 140 |
| where agent does not appear | | 140 |
| execution for | | 140 |
| repayment of, by agent to candidate | | 140 |
| taxation and recovery of | | 141 |
| limit of | | 141 |
| recovery of, against petitioner | | 141 |
| proportionate distribution of deposit | | 141 |
| not awarded against candidate not unseated | | 141 |
| party and party costs only allowable | | 141 |
| miscellaneous provisions | | 141 |
| writ of election need not be produced at trial | | 141 |
| power of court to punish for contempt | | 141 |
| expenses of judges and sheriffs | | 142 |
| duty of crown attorney to prosecute for corrupt practices | | 142 |
| election not to be questioned except under Act | | 142 |
| repeal of R.S.O., 1897, c. 11 | | 142 |
| CORNWALL, TOWN OF, | | |
| By-law No. 37 fixing assessment of Seth C. Nutter Brewing Com- pany, confirmed | | 486 |
| By-law No. 11 fixing assessment of Canadian Colored Cotton Mills Company, confirmed | | 490 |
| CORONERS, | | |
| taking evidence in shorthand at inquests | | 360 |
| employment of interpreters at inquests | | 360 |
| COUNTY BOARD OF AUDIT, | | |
| powers of chairman of county board of audit as to summoning wit- nesses | | 379 |
| COURT HOUSE, | | |
| city or town using for Division Court purposes to pay for | | 364 |
| CRIMINAL COURTS, | | |
| employment of interpreter at preliminary investigations | | 360 |
| CRIMINAL JUSTICE ACCOUNTS, | | |
| power of chairman of county board of audit as to summoning witnesses | | 379 |
| CROWLAND, TOWNSHIP OF, | | |
| By-law No. 12 fixing assessment of property of J. H. Bemis Trustee, confirmed | | 495 |
| By-laws Nos. 5 of 1906 and 14 of 1907 fixing assessment of Ontario Iron and Steel Company and Page-Hershey Iron Tube & Lead Company, confirmed | | 500 |
| CROWN, | | |
| execution of contract with by member of Executive Council | | 357 |
| CROWN LANDS, | | |
| opening lands for agricultural settlement and including minerals in patents | 199, 202, | 204 |
| declaring purchaser entitled to minerals on lands already located | 199 | |
| supplementary grants where patent is issued | 199, 202, | 204 |
| reservation of minerals in patents heretofore granted rescind- ed | 200, 202, | 204 |
| reduction in price where purchase money unpaid and improve- ments made | 200 | |
| when pine and minerals may be included in free grant | 201 | |
| when free grant settler may dispose of pine | 201, 203, | 204 |
| amendments as to grants to veterans. See VETERANS' LAND GRANTS. | 205 | |

| | |
|---|----------|
| CROWN TIMBER, | PAGE. |
| withdrawal of certain lands from Temagami Forest Reserve | 207 |
| sale of timber after damage by fire | 207 |
| rights of locatees and patentees of free grants | 201, 203 |
| D. | |
| DEATHS, REGISTRATION OF, | |
| <i>See</i> VITAL STATISTICS | 332 |
| DEPARTMENT OF EDUCATION ACT, | |
| amendments to. <i>See</i> EDUCATION | 459 |
| DILLON, THOS. J., | |
| grant of \$1,800 to and assessment of property of by Town of Welland | 725 |
| DITCHES AND WATERCOURSES, | |
| limit of area to be assessed | 456 |
| reconsideration of award | 456 |
| DIVISION COURTS, | |
| taking money and securities, etc., in execution | 359 |
| payment for use of Court House by city or town | 864 |
| DOG LAKE, | |
| erection of dam at outlets of, authorized | 326 |
| DOHERTY & CO., W., | |
| Town of Clinton authorized to release company from payment of loan in part | 474 |
| DRAINAGE, | |
| repairing without report | 420 |
| bridges, maintenance of | 420 |
| Pelee Island commissioners | 420 |
| DUNNVILLE, WELLANDPORT AND BEAMSVILLE ELECTRIC RAILWAY COMPANY, | |
| extension of railway | 757 |
| time for commencement and completion | 758 |
| E. | |
| EAST TORONTO, TOWN OF, | |
| nomination for mayor, reeves, councillors, etc | 505 |
| authority to purchase local improvement debentures with moneys raised to loan to Globe Furniture Co. | 505 |
| By-law No. 214 to borrow \$10,000 for waterworks confirmed..... | 505, 506 |
| EDUCATION DEPARTMENT, | |
| continuation schools | 459 |
| agricultural departments | 459 |
| qualification and duties of inspectors and teachers | 459 |
| model schools | 459 |
| apportionment of special grant for urban schools | 459 |
| apportionment of grant for rural schools, consideration of experience of teachers | 460 |
| apportionment of grant for special departments | 460 |
| EGRESS FROM PUBLIC BUILDINGS, | |
| application to schools of more than one storey in height | 452 |
| regulations as to cinematograph exhibitions | 452 |
| ELECTIONS TO THE LEGISLATIVE ASSEMBLY, | |
| short title | 31 |
| interpretation | 31 |
| "corrupt practice" | 32 |
| "county" | 32 |
| "county court" | 32 |
| "election" | 32 |
| "election court" | 32 |
| "electoral district" | 32 |
| "form" | 32 |
| "judge of the county court" | 32 |
| "local municipality" | 32 |
| "oath" | 32 |
| "official agent" | 32 |
| "polling list" | 32 |
| "to vote" | 32 |
| "voters' list" | 32 |

ELECTIONS TO THE LEGISLATIVE ASSEMBLY.—*Continued.*

| | PAGE. |
|--|--------|
| Clerk of the Crown in Chancery, Clerk of Assembly to be..... | 32 |
| irregularities not affecting result of election..... | 33 |
| interruption by riot, etc. | 33 |
| oaths of officers, administering | 33 |
| agents of candidates who disqualified | 34 |
| candidate may perform duties of | 34 |
| non-attendance not to invalidate proceedings | 34 |
| candidates, nominated without consent | 34 |
| qualification of | 34 |
| voters, who shall not vote | 34, 35 |
| who may be entered on voters' lists | 35 |
| on manhood suffrage registration lists | 36 |
| on lists for unorganized territory | 37 |
| who may vote | 37 |
| clergymen and school teachers | 38 |
| temporary absence | 38 |
| militiamen and students | 38 |
| indians | 38 |
| interval between date of writ and nomination | 39 |
| Lieutenant-Governor to fix dates for | 39 |
| several election dates to be the same for all for general election, districts | 39 |
| writs, to be dated the same day | 39 |
| to state dates for nomination and polling | 39 |
| to be returnable forthwith after execution | 39 |
| districts returning more than one member and by separate seats | 39 |
| conduct of election | 39 |
| nominations to be held at same time but to be separate..... | 39 |
| when candidate nominated for more than one seat | 40 |
| separate ballot papers | 40 |
| voter to vote for one candidate for each seat | 40 |
| officers not to have extra fees | 40 |
| papers and forms to be sent to Returning officers of Clerk of the Crown in Chancery | 40 |
| notice as to secrecy, duty of deputies as to posting up | 40 |
| other forms | 40 |
| blank poll-books, and forms to be contained therein | 41 |
| copies of Act to be sent | 41 |
| Returning officer, commission not required for appointment of... to be a resident of electoral district | 41 |
| refusal or incapacity to act | 42 |
| where appointment superseded | 42 |
| disqualifications | 42 |
| penalty for acting when disqualified | 42 |
| exemptions | 43 |
| penalty for refusing to act | 43 |
| to endorse date of receipt on writ | 43 |
| oath of, penalty for not taking | 43 |
| proclamation of Returning officer, what to contain | 43 |
| when to be posted up, and where | 44 |
| penalty for not posting up | 44 |
| unforeseen delays, postponement | 44 |
| special report as to | 45 |
| Pelee Island and Amherst Island, communicating by telephone with | 45 |
| election clerk, appointment and duties of | 45 |
| refusal or incapacity to act | 45 |
| oath of | 45 |
| penalty for refusal to perform duties | 45 |
| appointment and oath to be on writ | 45 |
| to act if returning officer dies, etc. | 45 |
| ballot boxes, returning officer to provide | 46 |
| how to be constructed | 46 |
| penalty for failing to provide | 46 |
| when to be delivered to deputies | 46 |

| ELECTIONS TO THE LEGISLATIVE ASSEMBLY.— <i>Continued.</i> | PAGE. |
|---|--------|
| deputies to procure when not supplied | 46 |
| delivery to clerk of the municipality or clerk of the peace after election | 46 |
| property in boxes, papers, etc., to be in Crown | 46 |
| polling subdivisions, when council fails to make | 46 |
| when boundaries of, not to be changed by returning officer. allowance to returning officer for making | 47 |
| polling places, returning officer to fix | 47 |
| returning officer may fix additional places | 47 |
| returning officer may appoint one place for two or more sub- divisions | 47 |
| cost of, how to be borne | 47 |
| additional places may be appointed instead of subdividing polling subdivision | 47, 48 |
| compartments for voting | 48 |
| in unorganized territory | 50 |
| nominations, what place to be selected for | 44 |
| procedure at opening of | 48 |
| when poll to be granted | 48 |
| penalty for refusing poll | 48 |
| when election by acclamation | 48 |
| official agents, names to be announced at nomination and pub- lished | 49 |
| candidates, withdrawal of, before polling .. | 49 |
| death of before close of poll | 49 |
| proclamation of names of deputies | 49 |
| deputy returning officers, appointment of | 50 |
| oath | 50 |
| penalty for refusing to act or take oath | 50 |
| appointment of substitute | 50 |
| material to be supplied to | 50, 52 |
| unorganized territory, polling places in | 50 |
| municipality for which there is no assessment roll | 50 |
| ballot papers, returning officers to procure | 51 |
| form of | 51 |
| arrangement of names of candidates | 51 |
| paper for | 51 |
| numbering and binding | 51 |
| to be as nearly alike as possible | 51 |
| to bear name of printer | 51 |
| printer's affidavit | 51 |
| number to be furnished to deputy | 51 |
| stamping by returning officer | 52 |
| directions to voters, copies to be supplied to deputies | 52 |
| certificates as to assessment roll | 52 |
| clerk to furnish | 52 |
| penalty for neglect to furnish | 52 |
| fee for furnishing | 52 |
| entry of, in poll books | 52 |
| what to be evidence of | 52 |
| voters' lists, what to be used | 53 |
| when time for appeal from by-law making polling subdivisions has expired and no voters' list filed | 53 |
| when territory added, and voters' list does not include same. when list includes territory in two or more electoral districts where there is an assessment roll but no voters' list | 54 |
| list certified by judge ten days before polling but not filed before writ issued | 54 |
| polling lists, preparation of, by clerk of the peace | 54 |
| to be delivered to deputies | 54 |
| when clerk of municipality to prepare | 54 |
| certificate of clerk of the peace | 55 |
| Manhood Suffrage registration lists, entry of names on polling lists from | 55 |
| certificates of date of first sittings of registrars | 55 |

ELECTIONS TO THE LEGISLATIVE ASSEMBLY.—*Continued.*

| | PAGE. |
|--|--------|
| poll clerks, appointment of | 55 |
| penalty for refusal or neglect to act | 56 |
| duty of | 56 |
| when to act for deputy | 56 |
| appointment of substitute for | 56 |
| constables, appointment of | 56 |
| where voters to vote | 56 |
| in unorganized territory | 57 |
| penalty for voting elsewhere | 57 |
| certificate entitling officers and agents to vote where stationed. | 57 |
| returning officer to be satisfied of right to vote | 57 |
| returning officer need not give unless required two days from polling | 57 |
| fee for | 57 |
| to name place where agent may vote | 57 |
| list to be kept of persons receiving | 57 |
| number which may be given to agents | 58 |
| penalty for giving more | 58 |
| right of voters under | 58 |
| voter to be sworn | 58 |
| penalty for voting without oath | 58 |
| who may administer oath | 58 |
| entry on poll book | 58 |
| to be given up before receiving ballot paper | 58 |
| to be enclosed in envelope | 58 |
| examination of ballots before commencement of polling | 59 |
| polling, terms of, to be by ballot | 58 |
| empty ballot boxes to be shown, locking and sealing box..... | 59 |
| box, how to be placed during voting | 59 |
| only one voter for each compartment to be in room | 59 |
| voter on entering to state particulars | 59 |
| poll clerk to enter particulars in poll book | 59 |
| persons on polling list to vote on taking oath if required | 59 |
| oaths of voters | 59, 60 |
| who to administer oath | 60 |
| penalty for deputy not administering oath | 60 |
| entry to be made by poll clerk of voting or refusal to take oath, etc. | 60 |
| ballot paper not to be given to voter refusing to swear..... | 61 |
| penalty for receiving vote of voter who declines oath | 61 |
| initialing ballot and numbering counterfoil | 61 |
| instructing voter | 61 |
| illiterate and incapacitated voters | 61 |
| interpreter, employment of when voter does not understand English | 61, 62 |
| marking and folding ballot paper | 62 |
| deputy to receive ballot from voter, identify the same, tear off counterfoil and deposit in box | 62 |
| voter to leave at once after voting | 62 |
| exclusion from balloting compartment | 62 |
| voter not to take ballot out of polling place | 62 |
| returning ballot, declining to vote | 62 |
| when voter alleges he has been personated | 62 |
| ballot paper accidentally spoiled | 63 |
| tender of vote, what to be deemed | 63 |
| who may be present during polling | 63 |
| agent authorized in writing, to have preference | 63 |
| right of employee to absent himself from work for purpose of voting | 63 |
| counting votes at close of poll | 64 |
| deputy to count and certify number of actual voters..... | 64 |
| opening box and counting ballots | 64 |
| what ballot papers to be rejected | 64 |
| objections, note to be taken of | 64 |
| mode of counting | 64 |

ELECTIONS TO THE LEGISLATIVE ASSEMBLY.—*Continued.*

| | PAGE. |
|--|--------|
| rejected and unused ballot papers, how to be dealt with..... | 65 |
| statement of result | 65 |
| certificate of result | 65 |
| poll book, polling list, etc., to be placed in ballot box | 65 |
| procedure after conclusion of count, oath of poll clerk as to use of poll book | 65 |
| delivery of ballot box to returning officer | 65 |
| safe keeping of ballot boxes after return | 66 |
| declaration of result of election by returning officer | 66 |
| casting vote of returning officer | 66 |
| adjournment of declaration on failure to return ballot boxes or statements | 66 |
| enquiry of returning officer in case of loss of ballot box, or papers, etc. | 67 |
| special report as to loss of ballot boxes or papers | 67 |
| recount or final addition by county judge, time and manner of applying for | 67 |
| grounds of application | 68 |
| electoral district comprising parts of two or more counties .. | 68 |
| notice of time and place for | 68 |
| return not to be made until receipt of certificate of judge. | 68 |
| clerk of county court may be required to be present | 68 |
| returning officer and election clerk to attend with papers... | 68 |
| custody of ballot papers and statements | 69 |
| who may be present at | 69 |
| to be a continuous proceeding | 69 |
| precautions to be taken by judge as to custody of papers..... | 69 |
| judge to verify and correct statement of poll | 69 |
| sealing up ballots and statements at close of proceedings..... | 70 |
| numbering disputed ballots | 70 |
| powers of judge as to reviewing decision of returning officer when ballot box or statements missing | 70 |
| certificate of judge to be delayed for two days to admit of appeal | 70 |
| casting vote where judge finds equality of votes | 70 |
| costs | 70 |
| appeal from decision of judge on recount | 70 |
| notice, when to be given | 71 |
| forwarding ballots, etc., to Registrar of Court of Appeal..... | 71 |
| appointment for hearing appeal | 71 |
| when appeal to be heard | 71 |
| procedure on appeal | 71 |
| costs of appeal | 71 |
| return to Clerk of the Crown in Chancery, when to be made | 71 |
| report as to special circumstances | 72 |
| ballot papers, stamps and envelopes to be returned | 72 |
| how package to be sent | 72 |
| affidavit of returning officer as to | 72 |
| failure to make return, proceedings for mandamus | 72, 73 |
| publication of return | 73 |
| custody of election papers after return | 73 |
| marking boxes when not to be destroyed | 73 |
| inspection of papers other than ballot papers | 74 |
| when inspection may be ordered | 74 |
| supervision of Registrar of Court of Appeal | 74 |
| protection of documents on order of judge | 74 |
| officers to be conservators of the peace | 74 |
| assistance of justices of the peace as peace officers | 75 |
| special constables | 75 |
| arrest and imprisonment on verbal order | 75 |
| requisition for delivering up of offensive weapons | 75 |
| armed persons not to come within one mile of nomination or polling place | 75 |
| party flags, favours, etc., prohibited | 75, 76 |

| ELECTIONS TO THE LEGISLATIVE ASSEMBLY.— <i>Continued.</i> | PAGE. |
|---|-------|
| secrecy of proceedings, duty as to maintaining and aiding in maintaining | 76 |
| interference with voters | 76 |
| communicating information | 76 |
| inducing voter to display ballot | 76 |
| communicating information as to marks on ballot | 76 |
| voter not to display marked ballot | 77 |
| oath of office | 77 |
| duty of officer aware of violation of secrecy | 77 |
| no one compellable to disclose his vote | 77 |
| corrupt practices and illegal acts | 77 |
| bribery of voters | 77 |
| receiving bribes | 78 |
| advancing money for corrupt practices | 78 |
| applying for bribe | 78 |
| receiving money corruptly after election | 79 |
| giving or promising office to induce candidate to withdraw... .. | 79 |
| penalty for bribery | 79 |
| exceptions as to actual personal expenses of candidate | 79 |
| distribution of political literature | 79 |
| furnishing refreshments | 79 |
| treating | 80 |
| wagering or betting on result of election | 80 |
| providing money for wagering or betting | 80 |
| hiring conveyances for voters | 80 |
| transportation of voters to polling place | 81 |
| providing refreshments on nomination or polling day | 81 |
| undue influence | 81 |
| pretence that ballot is not secret | 81 |
| personation | 82 |
| procuring appointment as election officer under false pre- tences or personating officer | 82 |
| appointing election officer who has been reported for cor- rupt practices | 82 |
| voting or inducing other persons to vote unlawfully | 82 |
| publishing false statements of withdrawal of candidate | 82 |
| when result not to be affected | 83 |
| concurrent judgment of election court required | 83 |
| disqualification of candidate for | 83 |
| when committed in excusable ignorance | 83 |
| disqualification of persons other than candidates | 84 |
| disagreement of judges | 84 |
| second election held as result of protest, effect of corrupt acts of first election | 84 |
| striking off votes for candidate in whose behalf committed... .. | 84 |
| employment of agent previously reported for | 85 |
| removal and disqualification for perjury | 85 |
| executory contracts arising out of elections | 86 |
| penalty not recoverable where party charged has prosecuted joint offender | 85 |
| offences and penalties | 85 |
| officers, etc., wilfully falsifying or altering list of voters..... | 85 |
| offences with respect to ballot papers | 86 |
| destroying or tampering with election documents | 87 |
| deputy omitting to initial ballot papers | 87 |
| neglecting or refusing to perform duties with respect to counting ballots | 87 |
| wilfully miscounting ballots or making false statements as to refusing to give up arms | 87 |
| carrying offensive weapons, badges, flags, etc. | 87 |
| violation of secrecy | 87 |
| penalty payable to person aggrieved by misconduct of officer actions for recovery of penalties | 88 |
| writ, etc., need not be produced on prosecution | 88 |
| expenses of candidates, appointment of official agent | 88 |

| ELECTIONS TO THE LEGISLATIVE ASSEMBLY.— <i>Continued.</i> | | PAGE. |
|---|--|------------|
| death or incapacity of official agent | | 89 |
| payments except as to personal expenses to be made by official agent | | 89 |
| “personal expenses,” what to be deemed | | 89 |
| onus of proof as to propriety of personal expenses | | 89 |
| payments which do not disqualify voter | | 90 |
| claims, when to be sent in | | 90 |
| authority of candidate and approval of agent required for payment | | 90 |
| authority of judge for payment after prescribed time | | 90 |
| publication of statement by returning officer | | 91 |
| penalty for default in returning statement | | 91 |
| furnishing untrue statement | | 91 |
| preservation of vouchers and right to inspect | | 91 |
| fees and expenses of officers | | 91 |
| additional allowance in certain cases | | 92 |
| repeal of former enactments | | 92 |
| forms | | 92 |
| proceedings by petition. <i>See</i> CONTROVERTED ELECTIONS | | 119 |
| ELECTIONS, MUNICIPAL, appointment of poll clerk when original appointee refuses to act... | | 403 |
| ELECTORAL DISTRICTS, representation in Assembly. <i>See</i> REPRESENTATION | | 6 |
| ELECTRICAL DEVELOPMENT COMPANY OF ONTARIO, LIMITED, agreement with Park Commissioners, dated 30th August, 1907, confirmed | | 344 |
| ELECTRIC COMPANIES, Provincial tax on. <i>See</i> SUPPLEMENTARY REVENUE | | 191 |
| ENGINEERS, extension of time within which uncertificated persons may be em- ployed | | 385 |
| ESSEX, TOWN OF, payment of \$11,500 out of fine imposed on Michigan Central Rail- way authorized | | 368 |
| EXECUTIONS, powers of sheriffs, etc., as to seizing money and securities..... | | 359 |
| EXECUTIVE COUNCIL, appointment of members by Lieutenant-Governor | | 163 |
| what ministers may be appointed | | 163 |
| transfer of duties from one minister to another | | 163 |
| members to forfeit office on sitting or voting in Parliament | | 163 |
| repeal of former enactment | | 163 |
| execution of Crown contracts by member of | | 357 |
| EXPRESS COMPANIES, Provincial tax on. <i>See</i> SUPPLEMENTARY REVENUE | | 191 |
| EXTRA-PROVINCIAL CORPORATIONS, return to be made by licensees | | 363 |
| F. | | |
| FACTORIES, limitation of right to damages owing to non-compliance with statute “youth,” meaning of | | 365 435 |
| employment of children in canning factories | | 435 |
| FENCES, when proceedings may be taken as to construction and maintenance of line fences | | 455 |
| FIRE, sale of timber on Crown lands after damage by | | 207 |
| regulations as to means of egress from public buildings | | 452 |
| appointment of fire rangers on railways | | 453 |
| FISHERIES, <i>See</i> GAME AND FISHERIES | | 457 |
| FOREST RESERVES, withdrawal of certain lands from Temagami Forest Reserve | | 207 |

| | |
|---|---------------|
| FORESTS, | PAGE. |
| appointment of fire rangers to act after completion of railways..... | 453 |
| FORT ERIE FERRY RAILWAY COMPANY, | |
| time for commencement and completion of certain extensions of railway | 760 |
| FORT FRANCES, PROVISIONAL JUDICIAL, DISTRICT OF, | |
| boundaries | 373 |
| district town | 373 |
| sittings of courts | 374, 375 |
| proceedings may be taken before Act takes effect | 374 |
| provisions to come in force on proclamation | 374 |
| courts established | 375 |
| clerk of the district court | 375 |
| land titles | 375 |
| duties of local masters of titles at Kenora and Fort Frances..... | 376, 377 |
| certificates of erection | 377 |
| Lieutenant-Governor in Council may change names of Fort Frances and Rainy River | 378 |
| FORT WILLIAM, CITY OF, | |
| supply of electrical power to by City of Port Arthur | 671 |
| assessment rolls and collectors' rolls validated | 510, 511 |
| tax sales and deeds prior to 31st Dec., 1905, confirmed | 511 |
| agreement with City of Port Arthur as to purchase of part of street railway system confirmed | 511 |
| authority to borrow money for | 511 |
| Ontario Railway and Municipal Board to act as arbitrators... | 512 |
| power to guarantee interest on bonds of Fort William Ca Com- | |
| pany | 513 |
| authority to construct bridges over certain rivers | 514 |
| power to borrow \$10,000 to purchase certain lands from Geo. A. Graham for a fair site | 514 |
| McKellar General Hospital | 514 |
| power of, to issue bonds | 515 |
| guarantee of bonds by city | 515 |
| power to borrow \$15,000 to make up deficiencies on sale of debentures | 515 |
| apportionment of cost of construction of sewers | 515, 516 |
| FREE GRANTS, | |
| patent may issue after three years from location | 201 |
| where occupant not regularly located has been in occupation for six years | 201 |
| opening lands for location and granting pine and minerals to settlers | 201, 203 |
| rights of locatee as to disposal of pine | 201, 203, 204 |
| granting minerals to settlers | 202, 204 |
| in Rainy River, special provisions as to | 203 |
| FREE LIBRARIES. | |
| by-laws for granting aid to | 406 |
| FRONTENAC, COUNTY OF, | |
| authority to borrow \$60,000 to pay off floating debt..... | 524 |
| FUNDS HELD IN TRUST BY DOMINION, | |
| moneys received on account of grammar school, building and land improvement funds to be paid into Consolidated Revenue free from trusts | 183 |
| Treasurer may allow moneys due by Province to be credited to Dominion | 183 |
| G. | |
| GALT, TOWN OF, | |
| by-laws authorizing contract with Power Commission confirmed... | 308 |
| GAME AND FISHERIES. | |
| open season for moose, reindeer and cariboo | 457 |
| muskrats, not to be speared at any time | 457 |
| hunting or killing young deer | 457 |
| duck and other water fowl, placing decoys for | 457 |

| | |
|--|------------|
| GAME AND FISHERIES.— <i>Continued.</i> | PAGE. |
| limit of time during which game may be kept | 457 |
| repeal of provisions as to returns to be made by licensees | 457 |
| cold storage, limit of period for keeping game in | 457 |
| supplying game to hotels, etc. | 458 |
| powers of officers acting as <i>ex officio</i> justices of the peace | 458 |
| deputy game and fishery wardens, appointment, oath and powers of | 458 |
| separate offences | 458 |
| GARDENERS' AND FLORISTS' ASSOCIATION, application of Act as to Agricultural Associations | 327 |
| GAS COMPANIES, Provincial tax on. <i>See</i> SUPPLEMENTARY REVENUE | 191 |
| GIBSON, WM. tramway of, in Village of Beamsville | 468 |
| GODERICH, TOWN OF, confirmation of by-laws stopping up and selling parts of roads to Guelph & Goderich Railway Company | 527 |
| by-law No. 49 of 1907, to guarantee the bonds of the Ontario West Shore Elec. Ry. Co., confirmed | 785 |
| GOVERNOR AND COMPANY OF ADVENTURERS OF ENGLAND, rights of not affected by mortgage given to Trusts and Guarantee Co., by Town of Kenora | 550 |
| GRACE HOSPITAL, grant of \$50,000 to, by City of Toronto | 700 |
| GRAND TRUNK PACIFIC RAILWAY, land grant, area of township to be six miles square | 366 |
| GRAND TRUNK RAILWAY, agreement with Town of Barrie, authorized | 368 |
| GROSCH, J. G., FELT SHOE CO., loan of \$8,000 to, by Village of Milverton | 597 |
| GUELPH, CITY OF, by-laws authorizing contract with Power Commission confirmed... certain local improvement by-laws confirmed | 308 533 |
| issue of debentures for construction of sewers under By-laws 463 and 464 | 533 |
| refund where rates levied more than sufficient to cover cost of sewers | 534 |
| GUELPH & GODERICH RAILWAY COMPANY, certain by-laws of Town of Goderich for stopping up and selling parts of roads confirmed | 527 |
| GUELPH RADIAL RAILWAY COMPANY, time for commencing and completing certain branches of railway power to contract with Hydro-Electric Power Commission for electrical power | 762 762 |
| H. | |
| HAMILTON, CITY OF, by-laws authorizing contract with Power Commission confirmed..... | 308 |
| HAMILTON MFG. CO., WILLIAM, LIMITED, loan of \$30,000 to by City of Peterborough | 649 |
| loan of \$30,000 to, by City of Peterborough | 649 |
| fixed assessment of property of, in City of Peterborough | 649 |
| HAMILTON & GUELPH JUNCTION RAILWAY COMPANY, time for commencement and completion extended | 763 |
| operation by steam or electricity, or both | 763 |
| HAWKINS MILLING COMPANY, LIMITED, fixed assessment of property of, in Town of Wallaceburg | 722 |
| HEALTH, consent of local board to use of lands within prescribed distance of dwellings | 365 |
| HESPELER, TOWN OF, by-laws authorizing contract with Power Commission confirmed... old burial ground, except easterly part vested in town | 308 536 |
| removal of building to easterly part of grounds | 538 |
| building vested in David Rife on trust | 538 |

| | |
|---|----------|
| HIGH SCHOOLS, | PAGE. |
| boards authorized to provide supplies, etc., for penny savings banks | 366 |
| HIGHWAYS, | |
| approval of plans showing, before registration | 362, 380 |
| by-laws creating county system when not to require assent of electors | 325 |
| duties of railway companies to fencing | 395 |
| by-laws regulating parades and processions | 405 |
| not to be laid out without approval of council or county judge..... | 407 |
| taking gravel for construction of | 407. |
| amendments to Act to regulate speed and operation of motor vehicles | 421 |
| See MOTOR VEHICLES | 421 |
| duties of overseers as to noxious weeds | 454 |
| HORTICULTURAL SOCIETIES, | |
| expenditure on work | 330 |
| annual meeting, date of | 330 |
| period at which society to be dissolved if meeting not held | 330 |
| date for sending report to Department | 330 |
| requiring verification of report by affidavit | 331 |
| sworn return as to number of members | 331 |
| division of annual grant in aid of | 331 |
| HOSPITALS, | |
| lands occupied by tenant or lessee not exempt from tax | 414 |
| HOUSES OF REFUGE, | |
| time for establishment of county houses of refuge extended | 467 |
| HUMBERSTONE, TOWNSHIP OF, | |
| by-law No. 401 (fixing assessment of Canadian Portland Cement Co.) confirmed | 541 |
| HURON, TOWNSHIP OF, | |
| by-law No. 371, guaranteeing certain bonds of the Ontario West Shore Elec. Ry. Co., confirmed | 786 |
| HYDRO-ELECTRIC POWER COMMISSION, | |
| certain by-laws authorizing contract with Commission confirmed..... | 308 |
| by-laws authorizing construction of distribution plant confirmed... | 308 |
| contract with Ontario Power Company confirmed | 308 |
| form of contract with municipalities authorized | 309 |
| erection of dam at outlet of Dog Lake authorized | 326 |
| I. | |
| IMPROVEMENT OF PUBLIC HIGHWAYS, | |
| by-laws passed by two-thirds vote of county council not to require assent of electors | 325 |
| INCOME TAX, | |
| on mines. See SUPPLEMENTARY REVENUE (1907) | 196 |
| See ASSESSMENT AMENDMENTS | 414 |
| INDUSTRIAL EXHIBITION ASSOCIATION, | |
| filling vacancies on Board of Directors by City Council | 701 |
| INGERSOLL, TOWN OF, | |
| by-laws authorizing contract with Power Commission confirmed ... | 308 |
| INQUESTS, | |
| taking evidence in shorthand at..... | 360 |
| employment of interpreter | 360 |
| INQUIRIES CONCERNING PUBLIC MATTERS, | |
| authority may be given to take evidence on oath | 165 |
| compelling attendance of witnesses | 165 |
| inquiries into elections and attempts to bribe members, etc. | 165 |
| commission not to issue during session without consent of Assembly | 166 |
| INSTITUTE OF CHARTERED ACCOUNTANTS, | |
| See CHARTERED ACCOUNTANTS | 386 |
| INSURANCE COMPANIES, | |
| Provincial tax upon. See SUPPLEMENTARY REVENUE | 186, 187 |
| meetings of directors | 363 |

| | |
|---|-------|
| INTERNATIONAL COMMITTEE OF THE YOUNG MEN'S CHRISTIAN ASSOCIATION, | PAGE. |
| power to acquire lands | 814 |
| exemption of property of from taxation | 815 |
| INTERPRETATION, | |
| construction of interpretation sections in Statutes | 352 |
| "Assembly" | 352 |
| "High Court" | 352 |
| "Supreme Court" | 352 |
| power to impose imprisonment authorizes hard labour | 352 |
| INTERPRETER, | |
| employment of at inquests and preliminary investigations | 360 |
| INTOXICATING LIQUORS, | |
| repeal of Act respecting sale of near public works .. | 858 |
| amendments to liquor license laws. <i>See LIQUOR LICENSES</i> | 423 |
| IRON RANGE RAILWAY COMPANY, | |
| incorporation of | 764 |

J.

| | |
|--|-----|
| JUDICATURE, | |
| certiorari, procedure substituted for writ or order nisi | 369 |
| security to be given by applicant to quash conviction | 370 |
| appeal | 370 |
| procedure not to apply until proclamation | 371 |
| proceedings which may be heard at Weekly Court at London..... | 372 |
| provisions to come in force on proclamation | 371 |
| powers of taxing officers at Ottawa and London as to taxing increased counsel fees | 372 |
| JUNK, | |
| licensing and regulating collectors and vendors of | 405 |
| JURORS, | |
| increase in fees of | 360 |
| in unorganized territory | 360 |

K.

| | |
|--|----------|
| KAMINISTQUIA RIVER, | |
| erection of dam at outlets of Dog Lake authorized | 326 |
| KEEWATIN, TOWN OF, | |
| incorporation | 544 |
| KEEWATIN POWER COMPANY, | |
| rights of not affected by mortgage given to Trusts and Guarantee Co. by Town of Kenora | 550 |
| KENORA, PROVISIONAL JUDICIAL DISTRICT OF, | |
| name of District of Rainy River may be changed to | 378 |
| KENORA. TOWN OF, | |
| by-law No. 420, to borrow \$75,000 for completion of water power development, confirmed | 548 |
| debentures under By-law No. 420 to have benefit of mortgage made to Trusts and Guarantee Co. on certain conditions | 548 |
| agreement with Maple Leaf Flour Mills Co. to supply electrical power and exempt property, confirmed | 548, 549 |
| rights of certain companies not affected by mortgage to Trusts and Guarantee Co. | 550 |
| KINCARDINE, TOWN OF, | |
| by-law No. 532, guaranteeing the bonds of the Ontario West Shore Elec. Ry. Co. | 786 |

L.

| | |
|--|----------|
| LAC SEUL, RAT PORTAGE AND KEEWATIN RAILWAY COMPANY, | |
| Act of incorporation declared to be in force and powers under to be exercised by certain persons | 768, 769 |
| time for commencement and completion of | 769 |
| general powers | 769 |

| | |
|---|----------|
| LAKE SUPERIOR, LONG LAKE AND ALBANY RIVER RAILWAY COMPANY, | PAGE. |
| increase of bonding powers | 771 |
| time for commencement and completion extended | 771 |
| LANDS, FORESTS AND MINES, | |
| amendments to Statutes respecting Crown Lands, | |
| <i>See</i> CROWN LANDS | 199 |
| <i>See</i> FREE GRANTS AND HOMESTEADS | 201 |
| LAND IMPROVEMENT FUND, | |
| payments by Dominion to Province,—how to be dealt with | 183 |
| LAND TITLES, | |
| registering owners in Sudbury | 361 |
| matters consequent on erection of Provisional Judicial District of | |
| Fort Frances | 375 |
| plan shewing streets, etc., not to be filed until approved of | 380 |
| LA ROSE MINING COMPANY, | |
| payment of certain money in settlement of litigation authorized... | 368 |
| LAW SOCIETY OF UPPER CANADA, | |
| nomination at election of benchers | 381 |
| LEGISLATIVE ASSEMBLY, | |
| representation in. <i>See</i> REPRESENTATION | 6 |
| "Assembly" to mean | 352 |
| how composed | 144 |
| not to be dissolved on demise of Crown | 144 |
| power of Crown to prorogue or dissolve preserved | 144 |
| duration of | 144 |
| yearly sessions | 144 |
| proclamation of continuance of prorogation unnecessary | 145 |
| disqualification of aliens | 145 |
| senators and members of House of Commons disqualified | 145 |
| votes given for to be thrown away | 145 |
| seat vacated on election to House of Commons or appointment to | |
| Senate | 145 |
| disqualification of appointees of the Crown | 145 |
| exceptions as to members of the Executive Council, army and | |
| navy, justices of the peace, etc. | 145, 146 |
| public school inspectors | 146 |
| disqualification of contractors of the Crown, etc. | 146 |
| exceptions as to executors, administrators, etc. | 146 |
| shareholders in companies having contract | 146 |
| holders of Government securities | 146 |
| mining licenses | 146 |
| proprietors, etc., of newspapers publishing official advertise- | |
| ments | 146 |
| timber licensees | 147 |
| fishery licensees | 147 |
| sureties for maintenance of inmates of public institutions... | 147 |
| postmasters and mail clerks | 147 |
| sureties for public officers, etc. | 147 |
| sureties to take necessary action to be relieved before sitting... | 147 |
| when finding of election court as to disqualification necessary | 148 |
| right to expel member not affected | 148 |
| election of disqualified person to be null and void | 148 |
| members of Executive Council may be re-elected | 148 |
| transfer from one department to another not to necessitate | |
| re-election | 148 |
| penalty for sitting when disqualified | 148 |
| oath of members elected | 149 |
| disclaimer, when member elected may make | 149 |
| form of and transmission to Clerk of Assembly | 149 |
| transmission of Registrar of Court of Appeal or local registrar. | 149 |
| dismissal of petition as result of | 150 |
| issue of new writ | 150 |
| resignation before meeting of Legislature | 150 |
| notice given in Assembly | 150 |
| declaration of intention to Speaker | 150, 151 |

LEGISLATIVE ASSEMBLY.—*Continued.*

PAGE.

| | |
|---|----------|
| issue of warrant to Clerk of the Crown in Chancery | 151 |
| when there is no Speaker or member resigning is Speaker... | 151 |
| seat vacated on tender of | 151 |
| election set aside, issue of new writ on receipt of certificate | 151 |
| Speaker to communicate certificate at once to clerk | 152 |
| report to Assembly and entry in journal | 152 |
| person declared unduly returned not to sit | 152 |
| person certified to have been elected to be entitled to sit..... | 152 |
| when writ may not issue during session | 152 |
| vacancy caused by death, acceptance of office, etc. | 152 |
| warrant in case of death, etc., of member elect before session | 152 |
| right to contest previous election not affected | 153 |
| when Clerk of the Crown in Chancery to issue writ without warrant | 153 |
| Speaker, election of | 153 |
| vacancy in office | 153 |
| salary | 153 |
| to preside at meetings of the Assembly | 153 |
| chairman <i>pro tem</i> | 153 |
| election for a day in case of absence | 153 |
| election of, <i>pro tem</i> | 153 |
| acts done during absence of to be valid | 154 |
| powers and privileges, summoning persons and production of docu- ments | 154 |
| Speaker's warrant for attendance before Assembly or committee. | 154 |
| protection of persons acting under warrant | 154 |
| members' privilege as to speech, etc. | 154 |
| freedom from arrest, etc., during session | 154 |
| exemption of members, officers, etc., from service as jurors..... | 155 |
| members and their partners, etc., not to receive fees for promoting bills | 155 |
| penalty | 155 |
| breach of rule to be corrupt practice | 155 |
| vacation of seat for violation of rule | 155 |
| jurisdiction of Assembly as to breaches of privilege, contempt, etc.... | 155 |
| assaults, insults or libels on members | 156 |
| obstruction or intimidation of members | 156 |
| assaults on officers | 156 |
| tampering with witnesses | 156 |
| false evidence or misbehaviour of witnesses | 156 |
| disobeying warrant for attendance as witness | 156 |
| presenting false documents, etc. | 156 |
| falsifying records of House | 156 |
| infringing privileges of members | 156, 157 |
| powers of Assembly as to punishing | 157 |
| imprisonment, for offending against | 157 |
| determination of Assembly to be final | 157 |
| publication of papers, proceedings, etc., protection of publishers. | 157, 158 |
| general privileges not abridged | 158 |
| quorum | 158 |
| manner of voting | 158 |
| money votes, charges on evidence | 159 |
| estate bills | 159 |
| oaths of witnesses | 159 |
| affidavits as evidence | 159 |
| indemnity of members | 159, 160 |
| mileage allowance to members | 160 |
| repeal of former enactments | 161 |
| LIBRARIES, | |
| by-laws for granting aid to | 406 |
| LINE FENCES, | |
| when proceedings may be taken as to construction and mainten- ance of fences | 455 |
| LIQUOR, | |
| repeal of Act respecting sale of near public works .. | 358 |

| LIQUOR LICENSES. | PAGE. |
|---|-------|
| certificates for obtaining liquor on Sunday | 423 |
| certificate for obtaining liquor at prohibited times | 423 |
| penalty for harbouring constable on duty | 423 |
| revocation of license by county judge | 423 |
| population to be ascertained by assessment roll | 423 |
| liability of occupant | 424 |
| notice to inebriate | 424 |
| inebriate procuring liquor after notice | 424 |
| inebriate compelled to disclose name of person supplying liquor ... | 425 |
| ballot, form of local option | 425 |
| local option by-law set aside for irregularity | 426 |
| action for liquor drunk in tavern | 426 |
| audit of license fund account | 426 |
| LISTOWEL, TOWN OF, | |
| authority to purchase plant of Listowel Gas and Electric Light Co. | 558 |
| agreement with Company confirmed | 558 |
| authority to borrow \$7,000 for purchasing and installing an electric light system | 558 |
| LOAN COMPANIES. | |
| provincial tax upon. <i>See</i> SUPPLEMENTARY REVENUE | 188 |
| granting registration at commuted fee to company discontinuing business | 364 |
| LOANS FOR PROVINCIAL PURPOSES. | |
| Lieutenant Governor in Council authorized to borrow \$4,000,000 | 178 |
| securities to be free from provincial taxes | 178 |
| permanent provincial stock | 179 |
| when redeemable | 179 |
| regulations as to management of debt and payment of interest ... | 179 |
| payment of fiscal agents in London | 180 |
| how to be raised, issue of debentures | 180 |
| Ontario Government stock | 180 |
| terminable annuities | 180 |
| exchequer bills or treasury bills | 180 |
| sinking funds | 181 |
| securities may be made in any currency | 181 |
| register for inscription and transfer | 181 |
| authorizing agent to record | 181 |
| payment out of Consolidated Revenue in payment of judg- ments, etc. | 181 |
| substitution of one class of securities for another | 181 |
| regulations, force and effect of. | 182 |
| officers, etc., not bound to see to execution of trust | 182 |
| money raised on securities to form part of Consolidated Rev- enue Fund | 182 |
| securities to be free from provincial taxes | 182 |
| rights of holders of securities preserved | 182 |
| LOCAL IMPROVEMENTS. | |
| construction of curbs as | 407 |
| charging cost of sidewalks against lands on both sides of street... | 407 |
| laying water mains to connect with city or town system | 408 |
| certain property exempt from general taxes liable to | 414 |
| LOCAL MUNICIPAL TELEPHONE SYSTEMS, | |
| <i>See</i> TELEPHONE SYSTEMS | 410 |
| LOCAL OPTION. | |
| <i>See</i> LIQUOR LICENSES | 425 |
| LONDON, CITY OF, | |
| by-laws authorizing contract with Power Commission confirmed... | 308 |
| certain local improvement and other by-laws confirmed | 565 |
| authority to use part of money raised under by-law No. 2,919 for certain extensions of sewerage system | 565 |
| authority to close up part of Waterloo street for hospital purposes | 565 |
| surrender of certain lands for Hygienic Institute | 566 |
| power to make grants to Western University and College for estab- lishment of Faculty in Arts | 823 |

| | |
|--|-------|
| LONDON & MIDDLESEX SANATORIUM FOR CONSUMPTIVES, | PAGE. |
| authority to erect sanatorium to be managed by board of trustees | 569 |
| contribution by city and county to | 572 |

M.

| | |
|--|----------|
| MANHOOD SUFFRAGE REGISTRATION, | |
| persons on service in active militia | 356 |
| members of Board in City of Niagara Falls | 356 |
| temporary absence | 356 |
| members of permanent militia corps, persons on active service as militiamen, students | 356 |
| amendments of forms of oaths | 356, 357 |
| MARKDALE, VILLAGE OF, | |
| authority to fix assessment of property of Markdale Furniture Company | 575 |
| authority to borrow \$10 000 to purchase stock in Markdale Furniture Co. | 575 |
| MARKET FEES, | |
| by-laws for the establishment of | 405 |
| MARRIAGES, | |
| confirmation of certain marriages performed under laws of Manitoba in northwestern portion of the Province | 362 |
| registration of. <i>See</i> VITAL STATISTICS | 332 |
| MASTER AND SERVANT, | |
| recovery of wages for piece work | 362 |
| MCLEAN & RIDOUT, TOWNSHIPS OF, | |
| by-law No. 288 (fixing assessment of Canada Railway News Co.) confirmed | 579 |
| MEAFORD, TOWN OF, | |
| By-law No. 45 of 1907, granting bonus to and exempting property of Seaman, Kent Company, confirmed..... | 583 |
| METHODIST CHURCH, | |
| conveyances of lands to trustees by their collective names | 366 |
| MICHIGAN CENTRAL RAILWAY, | |
| payment of part of fine imposed on to Town of Essex, authorized | 368 |
| MIDDLESEX, COUNTY OF, | |
| by-law No. 601 (county road system) confirmed | 367 |
| MIDLAND, TOWN OF, | |
| by-law No. 655 (fixing assessment of Canada Iron Furnace Co., Ltd.) confirmed | 588 |
| by-law No. 570 (to borrow \$8,850 to pay floating debt) confirmed... | 588 |
| by-law No. 672 (issue of debentures for certain sewer connections) confirmed | 588 |
| MILK, CHEESE AND BUTTER, | |
| standard of milk in creameries | 427 |
| owners of creamery may make rules for | 427 |
| rules to be binding on patrons | 427 |
| testing milk, right of owner of creamery | 427 |
| sample of milk, owner may take | 428 |
| skimmed milk may not be sold except notice given by vendor | 428 |
| keeping back milk of cows, notice of | 429 |
| skimmed milk may be sold if so advertised | 429 |
| tainted or sour milk, notice to be given by vendor | 429 |
| dairies, milk houses and stands to be in clean and sanitary condition | 429 |
| cheese factories, to be kept in clean and sanitary condition | 429 |
| penalty for default | 429 |
| dairy inspectors | 430 |
| appointment | 430 |
| powers | 430 |
| reports by | 430 |
| penalties for violating provisions | 430 |
| evidence of offence | 431 |

| | |
|--|---------------|
| MILK, CHEESE AND BUTTER.— <i>Continued.</i> | PAGE. |
| offence by person not member of family | 431 |
| description of offence | 431 |
| appropriation of penalties | 431 |
| fraudulent use of cream in factory | 432 |
| conviction and penalty | 432 |
| civil remedy preserved | 432 |
| justice interested in manufactory may not hear complaint | 432 |
| MILVERTON, VILLAGE OF, | |
| by-law No. 199 (loan of \$8,000 to J. G. Grosch Felt Shoe Co., and | |
| \$500 bonus to Pfeffer Bros, etc.) confirmed | 597 |
| application of moneys repaid by Company | 598 |
| MINES. | |
| amendments to the law as to taxation of. <i>See</i> SUPPLEMENTARY REV- | |
| ENUE, (1907) | 196 |
| Act to consolidate and amend <i>Mining Act of Ontario</i> | 208 |
| interpretation | 210 |
| "agent" | 210 |
| "commissioner" | 210 |
| "Crown lands" | 210 |
| "department" | 210 |
| "deputy minister" | 210 |
| "in place" | 210 |
| "inspector" | 210 |
| "license" | 210 |
| "machinery" | 210 |
| "mine" (the noun) | 210 |
| "mine" (and mining) | 211 |
| "mineral and minerals" | 211 |
| "mining lands" | 211 |
| "mining rights" | 211 |
| "minister" | 211 |
| "owner" | 211 |
| "patent" | 211 |
| "prescribed" | 211 |
| "recorder" | 212 |
| "regulation" | 212 |
| "shaft" | 212 |
| "surface rights" | 212 |
| "valuable mineral in place" | 212 |
| application prior to May 14, 1906 | 212 |
| <i>Public Lands' Act</i> | 199, 212, 254 |
| <i>Free Grants and Homesteads Act</i> | 202, 212, 254 |
| <i>Rainy River Free Grants and Homesteads Act</i> | 203, 212, 254 |
| Bureau of Mines | 212 |
| deputy minister, powers of | 212 |
| provincial geologist | 213 |
| provincial assayer | 213 |
| inspection of mines | 213 |
| mining recorders | 213 |
| books and maps to be kept by | 213 |
| documents filed with | 213 |
| copies of books and documents | 213 |
| proceedings before. <i>See</i> proceedings before commissioner and | |
| recorder | 256 |
| professors, instructors, etc. | 213 |
| officer holding lands | 214 |
| evidence by officers | 214 |
| justices of the peace, officers to be | 214 |
| constables and peace officers | 214 |
| mining commissioner | 215 |
| proceedings before. <i>See</i> proceedings before commissioner and | |
| recorder | 256 |
| mining divisions | 215 |
| applications and instruments to be filled with recorder | 215 |
| recorder, vacancy in office of | 215 |

MINES.—*Continued.*

| | PAGE. |
|--|-------|
| patent, notice of issue | 216 |
| special mining divisions | 216 |
| license to mine required | 216 |
| license holders, who may be | 216 |
| license to companies | 216 |
| miner's license | 217 |
| renewal of license | 217 |
| loss of license | 217 |
| substituted license | 217 |
| one license only to be held | 218 |
| production of license | 218 |
| date of license | 218 |
| license to minor | 218 |
| revocation of license | 218 |
| mining claim | 218 |
| lands that may be prospected and staked | 218 |
| discoverer may stake | 219 |
| lands not open to staking | 219 |
| cultivated lands, etc., prospecting on | 219 |
| water powers, not included in claim | 220 |
| withdrawal of lands | 220 |
| re-opening of lands | 220 |
| lands withdrawn may be worked for the Crown | 220 |
| lands withdrawn, not to be prospected except by Crown..... | 220 |
| Crown claims, to be staked | 220 |
| officer making discovery, duty of | 220 |
| working lands staked for the Crown | 221 |
| forest reserves | 221 |
| mining lands, not to be sold | 221 |
| mining leases in | 221 |
| timber license, lands under | 221 |
| discovery upon land under license | 221 |
| condition of mining on | 222 |
| prohibiting mining on timber lands | 222 |
| size and form of claims | 222 |
| claims not in special mining division | 223 |
| claims in special mining division | 224 |
| irregular areas | 226 |
| number of claims which may be staked | 227 |
| staking out claims, mode of | 227 |
| to be done promptly | 229 |
| prospecting pickets | 229 |
| forfeiting right to stake claim | 230 |
| recording mining claim | 230 |
| fying plans and application | 230 |
| free grants application | 231 |
| affidavit to be fyled | 231 |
| endorsing license on recording | 231 |
| recording in wrong division | 232 |
| particulars to be recorded | 232 |
| refusal to record | 232 |
| disputing application | 232 |
| fying with recorder | 232 |
| notice of recorded holder | 233 |
| address for service | 233 |
| dispute not received after certificate of record | 233 |
| certificate of record | 233 |
| application for certificate | 233 |
| effect of issue of certificate | 233 |
| cancelling certificate | 234 |
| rights given in mining claim | 234 |
| address for service | 234 |
| address to be on applications and assignments | 234 |
| agent for service to be named | 234 |
| agent may be substituted | 234 |
| effect of service on agent | 235 |

MINES.—Continued.

| | PAGE. |
|--|----------|
| trusts, agreements and transfers | 235 |
| trust not to be recorded | 235 |
| agreement to be in writing | 235 |
| transfer of claim | 236 |
| recording instruments | 236 |
| priority of record | 236 |
| recording to be notice | 236 |
| actual notice excepted | 236 |
| orders and judgments | 236 |
| certificates <i>lis pendens</i> | 237 |
| duration of <i>lis pendens</i> | 237 |
| working conditions | 237 |
| time in which work to be done | 237 |
| anticipating time | 237 |
| reporting work done | 237 |
| certificate of performance | 238 |
| contiguous claims, work on | 238 |
| houses, roads and improvements | 238 |
| extensions of time | 238 |
| contribution by co-owners | 239 |
| abandonment of claim | 239 |
| noting abandonment | 239 |
| non-compliance with Act deemed abandonment | 239 |
| forfeiture of claim | 239 |
| causes of forfeiture | 239, 240 |
| postponement of forfeiture | 240 |
| relief from forfeiture | 240 |
| entry of forfeiture | 241 |
| Lieutenant-Governor, may relieve | 241 |
| joint holders' interest | 241 |
| licensee, death of before record | 241 |
| inspection of claims | 241 |
| who to inspect | 241 |
| application for inspection | 241 |
| view or inspection on disputes, etc. | 242 |
| complete inspection areas | 242 |
| special mining divisions, to be | 242 |
| inspection before record | 242 |
| immediate inspection | 242 |
| additional areas | 242 |
| alteration of limits | 242 |
| Orders in Council, operation of | 242 |
| reports on inspection | 242 |
| cancelling claim | 242 |
| appeal from cancellation | 243 |
| effect of cancellation | 243 |
| discovery, when conclusive | 243 |
| report of inspection, when granted | 243 |
| working permits | 243 |
| mode of obtaining | 243 |
| permit, when to issue | 244 |
| notice of application to be posted up | 245 |
| licensee may hold only three permits | 245 |
| right of other licensees | 245 |
| conditions of working permit | 245 |
| conditions as to prospecting and staking out | 245 |
| working conditions | 245 |
| transfer of working permit | 246 |
| renewal of working permit | 246 |
| staking out by holder of | 246 |
| commissioner's decision on | 246 |
| surface rights compensation | 246 |
| right of owner to compensation | 246 |
| prohibiting work pending settlement | 247 |
| other licensees not to prospect | 247 |

MINES.—*Continued.*

| | PAGE. |
|--|-------|
| lien for compensation | 247 |
| reducing area of claim | 247 |
| patent for mining claim | 247 |
| when right to patent accrues | 247 |
| application for patent | 247 |
| price to be paid | 247 |
| discoverer's rights | 247 |
| road reservation | 248 |
| patent to contain statement of Act under which issued..... | 248 |
| minerals vested in patentee | 248 |
| pine timber reserved | 248 |
| disputes between patentee and timber licensee | 248 |
| survey of claims | 249 |
| survey in unsurveyed territory | 249 |
| marking boundaries | 249 |
| claim to be numbered | 249 |
| connection with former survey | 249 |
| surveyor to transmit copy of plan and notes | 249 |
| patent for reduced areas | 249 |
| reduction, how made | 250 |
| placer mining | 250 |
| quarry claims | 250 |
| not to interfere with licensee's right | 251 |
| petroleum, gas, coal and salt | 251 |
| boring permits | 251 |
| staking out for | 251 |
| application to recorder | 251 |
| application to minister | 251 |
| fee for permit | 252 |
| compensation for surface rights | 252 |
| posting up application | 252 |
| time for making application | 252 |
| area of lands | 252 |
| working conditions | 252 |
| renewal of permit | 252 |
| transfer of permit | 252 |
| lease to holder of permit | 253 |
| renewal of lease | 253 |
| regulations in lease | 253 |
| lessee's rights | 253 |
| lease in unsurveyed territory | 253 |
| timber reserved | 254 |
| dredging leases | 254 |
| annual rental on lease | 254 |
| mining partnerships | 254 |
| certificate of partnership to be signed | 254 |
| recording partnership | 255 |
| right to license | 255 |
| contracts by agent | 255 |
| revocation of agency | 255 |
| death of agent | 255 |
| transfer of share in partnership | 255 |
| transfer, effect of fying | 255 |
| dissolution of partnership | 256 |
| agent's authority continued | 256 |
| agent's liability continued | 256 |
| proceedings before the commissioner and recorder | 256 |
| powers of commissioner | 256 |
| witnesses and subpoenas | 257 |
| restraining proceeding | 257 |
| the Act to prevent trespasses on public lands, powers under..... | 258 |
| referring actions to commissioner | 258 |
| actions transferred to commissioner | 258 |
| powers of recorder | 258 |
| jurisdiction concurrent with commissioner | 258 |
| power to decide in first instance | 258 |

MINES.—*Continued.*

| | PAGE. |
|---|-------|
| decision to be entered in books | 258 |
| certificate of decision | 259 |
| procedure before recorder | 259 |
| enforcing orders of commissioner or recorder | 259 |
| appeals from recorder | 259 |
| to commissioner | 259 |
| appeals to minister | 260 |
| procedure before commissioner | 260 |
| appointment to proceed | 260 |
| service of appointment | 261 |
| directions for procedure | 261 |
| place of hearing | 261 |
| evidence, how taken | 261 |
| interlocutory applications | 261 |
| expert opinions | 261 |
| view and examination | 262 |
| requiring further evidence | 262 |
| statement of special knowledge | 262 |
| decision to be on merits | 262 |
| security for costs | 262 |
| use of court room or town hall | 262 |
| sheriffs' and constables' duties | 262 |
| notes of evidence, transcription | 262 |
| costs | 263 |
| scale of costs | 263 |
| counsel fees | 263 |
| witness fees | 263 |
| form of decision | 263 |
| fying order or award | 263 |
| fying order with recorder | 263 |
| entry of order | 264 |
| notice of decision to parties | 264 |
| giving certified copy of order | 264 |
| appeals from commissioner | 264 |
| to Divisional Court | 264 |
| time for appealing | 264 |
| notice of appeal | 264 |
| appealing to Court of Appeal | 264 |
| transmitting proceedings to Central Office | 264 |
| appeals from Divisional Court | 265 |
| procedure of appeals | 265 |
| proceedings not removable by <i>certiorari</i> , or otherwise | 265 |
| proceedings not invalidated by informality | 265 |
| power to extend time | 265 |
| operation of mines | 265 |
| regulations | 265 |
| employment of women and children | 265 |
| hours of employment for boys | 266 |
| register of boys employed | 266 |
| age and sex of engine operators | 266 |
| penalty for employment contrary to Act | 266 |
| fencing abandoned mines | 267 |
| inquests in case of fatality | 267 |
| rules for protection of miners | 267 |
| sanitation | 267 |
| explosives, care of | 268 |
| protecting working places | 269 |
| ascending and descending shafts | 270 |
| scaling escapement shafts, etc. | 271 |
| stretches | 272 |
| old timber | 272 |
| oils, storage | 272 |
| signals | 272 |
| signal code | 272 |
| ladders and footways | 273 |

MINES.—*Continued.*

| | PAGE. |
|---|-------|
| dressing rooms | 273 |
| protecting machinery | 274 |
| blasting, time for | 274 |
| rules, posting up | 274 |
| wages, payment of | 274 |
| not to be paid at tavern, etc. | 274 |
| penalty | 275 |
| damages to other claims | 275 |
| party walls | 275 |
| right of adjoining owner | 275 |
| application to commissioner | 275 |
| notice of accidents | 276 |
| notice of change in operation of mine | 276 |
| statistical returns | 276 |
| annual return | 276 |
| monthly or quarterly return | 276 |
| penalty for default | 276 |
| plans for working | 277 |
| production, when required | 277 |
| marking progress of work on plan | 277 |
| filing plans annually | 277 |
| failure to file plans | 277 |
| plan to be confidential | 277 |
| inspectors, powers and duties of | 277 |
| annual report | 278 |
| special report | 278 |
| taking evidence | 278 |
| rules, contravention of | 278 |
| contractor, liability of | 279 |
| offences, penalties and prosecutions | 279 |
| description of | 279 |
| penalties | 279 |
| disobeying order of commissioner | 280 |
| "bureau," use of word prohibited | 280 |
| owner or agent, liability of | 280 |
| penalty on default | 281 |
| prosecutions, who may institute, etc., | 281 |
| limitations of prosecutions | 281 |
| lien for wages | 281 |
| liquor licenses | 282 |
| riots | 282 |
| Act respecting riots near public works | 282 |
| exploratory drilling | 282 |
| diamond drills, control and payment for | 282 |
| regulations of Governor-in-Council | 283 |
| roads, ditches, aqueducts, etc. | 283 |
| publication in <i>Ontario Gazette</i> | 283 |
| fees | 283 |
| patent, cancellation of | 284 |
| lands and right re-vesting in Crown on cancellation | 284 |
| lessee, default of under <i>Mines Act, 1897</i> | 284 |
| default of co-owners or co-lessees | 284 |
| death of delinquent | 285 |
| Minister of Lands and Mines, powers of | 285 |
| <i>The Mines Act, 1906</i> , repeal of | 285 |
| forms | 285 |
| municipal tax on income from | 415 |
| MODEL SCHOOLS, | |
| apportionment of grant for | 459 |
| MONTREAL REDUCTION & SMELTING COMPANY, | |
| exemption of property of in Township of Widdifield | 747 |
| MORRISBURG ELECTRIC RAILWAY COMPANY, | |
| incorporation of | 772 |

MOTOR VEHICLES,

| | |
|---|-----|
| regulation of speed and operation of on highways | 421 |
| drivers to be licensed | 421 |
| age of drivers | 421 |
| stopping motor when horse frightened and signal given | 421 |
| stopping on meeting funeral procession | 422 |
| accidents, notice of name of owner | 422 |
| revoking permit by Provincial Secretary | 422 |
| onus of proof in case of accident | 422 |

MOUNT FOREST, TOWN OF,

| | |
|--|-----|
| agreement with County of Wellington as to maintenance of bridges confirmed | 733 |
|--|-----|

MOUNT MCKAY & KAKABEKA FALLS RAILWAY COMPANY,

| | |
|---|-----|
| construction of along Kaministiquia River and in Township of Oliver | 775 |
| municipality of Neebing authorized to guarantee bonds of Company | 776 |
| power to acquire running rights in Fort William and Port Arthur | 776 |
| time for completion of railway | 777 |

MUNICIPAL DRAINAGE,

| | |
|----------------------------------|-----|
| repairing without report | 420 |
| bridges, maintenance of | 420 |
| Pelee Island Commissioners | 420 |

MUNICIPAL HOUSES OF REFUGE,

| | |
|--|-----|
| time for establishment of county houses of refuge extended | 467 |
|--|-----|

MUNICIPAL INSTITUTIONS,

| | |
|--|----------|
| certain by-laws authorizing contract with Power Commission confirmed | 308 |
| certain by-laws for construction of distribution plant confirmed | 308 |
| contract between Ontario Power Company and Commission confirmed | 308 |
| form of contract between Commission and municipalities authorized | 309 |
| registrar to furnish lists of conveyances to corporations | 362 |
| payment for use of Court House for city or town Division Court | 364 |
| powers of chairman of county board of audit | 379 |
| plan shewing streets, etc., not to be filed in registry office or land titles office until approved of | 362, 380 |
| powers of railway board as to regulating use of certain appliances on cars | 399 |
| annexation of territory to city or town, notice to township | 403 |
| disqualification of police trustees for membership in council | 403 |
| poll clerks, appointment when original appointee refuses to act | 403 |
| voters' lists, form of for delivery to deputies on voting by-laws | 403 |
| publication of county by-laws for creation of debts | 404 |
| stables where horses kept for hire, regulating location of | 404 |
| liability of cities and towns to contribute to expenses of administration of justice | 404 |
| polling places, use of schools in cities of 100,000 | 404 |
| pits and quarries, by-laws respecting location and making of | 404 |
| adulteration and assize of bread, powers repealed | 405 |
| parades, by-laws for regulating | 405 |
| market fees, by-laws for re-establishment of | 405 |
| weights and measures, by-laws for forfeiting articles of light weight or short measure | 405 |
| proprietary clubs, licensing billiard tables, etc., in | 405 |
| places of amusement, regulating location of | 405 |
| regulations as to cinematographs | 452 |
| rag, bone and bottle vendors, licensing and regulating | 405 |
| smoke prevention | 406 |
| free libraries, granting aid to | 406 |
| bridges, order fixing contribution to building and maintenance of | 406 |
| agreements for maintenance of, by local municipality and county | 406 |

| | |
|--|--------------|
| MUNICIPAL SECURITIES, | PAGE. |
| "board," interpretation of | 417 |
| debentures and by-law, approval by board | 417 |
| certificate of approval not granted pending action or proceeding | 417 |
| certificate granted on proof of substantial compliance with law | 417 |
| effect of approval | 418 |
| debentures, approval of | 418 |
| form of certificate of approval | 418 |
| sinking fund for payment of debentures | 418 |
| Provincial Treasurer, payment to | 418 |
| interest may be allowed | 418 |
| fund to be part of Consolidated Revenue Fund | 418 |
| investment by Treasurer in debentures of municipality | 419 |
| fund to be debt to Treasurer | 419 |
| debenture by-laws to be sent to board | 419 |
| annual returns as to sinking fund | 419 |
| penalty for not sending by-laws to board or not making return... .. | 419 |
| annual returns as to municipal indebtedness to be made to board | 419 |
| MUNICIPAL TELEPHONE SYSTEMS, | |
| <i>See</i> TELEPHONE SYSTEMS | 410 |
| MUSKOKA FREE HOSPITAL FOR CONSUMPTIVES, | |
| grant of part of \$50,000 to, by City of Toronto | 700 |
| N. | |
| NAPANEE, TOWN OF, | |
| by-law No. 770 (to borrow \$10,000 for completing electric light plant), confirmed | 606 |
| NATURAL GAS, | |
| closing up well where tax endangered by waste | 198 |
| tax on production of. <i>See</i> SUPPLEMENTARY REVENUE | 197 |
| boring permits. <i>See</i> MINES | 251 |
| regulations of charges of exporting companies | 363 |
| NEGLECTED CHILDREN, | |
| short title | 437 |
| interpretation | 437 |
| "child" | 437 |
| "children's aid society" | 437 |
| "court of summary jurisdiction" | 437 |
| "foster home" | 437 |
| "inspector" | 437 |
| "judge" | 438 |
| "minister" | 438 |
| "municipality" | 438 |
| "neglected child" | 438 |
| "parent" | 438 |
| "place of safety" | 438 |
| "public place" | 439 |
| "superintendent" | 439 |
| jurisdiction of judges and magistrates | 439 |
| superintendent of neglected children | 439 |
| appointment | 439 |
| duties | 439 |
| powers | 440 |
| children's shelter | 440 |
| cities and towns of 10,000 | 440 |
| orphan and children's homes | 440 |
| children's aid society, supervision by | 440 |
| dissolution of society | 440 |
| children's committees | 441 |
| powers of | 441 |
| reports of | 441 |
| maintenance of children | 441 |
| order for maintenance by municipality | 441 |
| residence of child, presumptive | 441 |
| payment by other municipality | 441 |
| payment by parent | 441 |

NEGLECTED CHILDREN.--*Continued.*

| | PAGE. |
|---|-------|
| additional maintenance, order for | 441 |
| enforcing order | 442 |
| society's agent, powers of | 442 |
| neglected child, apprehension of | 442 |
| who may apprehend | 442 |
| to be brought before judge | 442 |
| witnesses may be called | 442 |
| crown attorney to attend | 442 |
| parents and others to be notified and may appear | 442 |
| child may be delivered to society | 442 |
| order of judge filed with superintendent | 442 |
| copy of order to be sent to society | 442 |
| child may be committed to industrial school or refuge | 443 |
| children's aid society, to be guardian of child committed to care of | 443 |
| may place child in foster home | 443 |
| child may be transferred by inspector | 443 |
| resolution of society to take control of child to age of 21 years | 443 |
| resolution may be rescinded | 444 |
| judge may determine resolution | 444 |
| maintenance by society, what deemed | 444 |
| desertion of child, what deemed | 444 |
| committal to industrial school or house of refuge | 443 |
| production of child, application by parent to court for order..... | 444 |
| compensation of person who has care of child | 444 |
| order where child deserted or brought up by others | 445 |
| religious education, order as to | 445 |
| child's wishes to be consulted | 445 |
| parents' surrender of custody of child | 445 |
| when surrender in writing | 445 |
| parent loses control | 445 |
| inspection and visitation of societies and places | 445 |
| inspector may visit child | 445 |
| may inspect place of residence | 445 |
| ministers of religion admitted to shelters | 446 |
| institutions may transfer child to society or superintendent..... | 446 |
| rules for management of societies | 446 |
| minister may make | 446 |
| children in public place at night | 446 |
| by-laws made by cities, towns and villages | 446 |
| warning child | 446 |
| taking to shelter | 446 |
| penalty for parent permitting | 446 |
| penalties for illtreating, neglecting, etc. | 447 |
| neglecting, abandoning or exposing | 447 |
| causing child to beg | 447 |
| to perform in public places at night | 447 |
| to be in place of public amusement for purpose of performing | 447 |
| to be neglected | 447 |
| penalty | 447 |
| permission for child to perform in public .. | 447 |
| officers to be appointed to supervise | 448 |
| search for neglected child, warrant issued by magistrate or justice | 448 |
| apprehension of offender | 448 |
| particular description not required | 448 |
| interfering with wards of society | 448 |
| inducing child to leave society's control | 448 |
| inducing child to leave apprenticeship | 449 |
| inducing child to break articles | 449 |
| detaining or harbouring child | 449 |
| penalties | 449 |
| juvenile offenders, trial and custody of | 449 |
| custody to be separate | 449 |
| municipality to provide for | 449 |
| children's courts | 449 |

| | |
|--|----------|
| NEGLECTED CHILDREN.— <i>Continued.</i> | PAGE. |
| charge of child by society | 450 |
| enquiry on premises of society | 450 |
| trial of child or parent | 450 |
| excluding public | 450 |
| trial of child by judge | 450 |
| notice to society's officer | 450 |
| enquiry by officer | 450 |
| judge may order return to parent | 450 |
| what other order may be made | 450 |
| child may be sent to a home, school or society | 450 |
| parent may not interfere with child | 451 |
| child under arrest not to be with adult prisoners | 451 |
| commissioners to hear complaints | 451 |
| presumptive age of child | 451 |
| Roman Catholic and Protestant children | 451 |
| regard had to religion of child in committing | 451 |
| temporary home or shelter excepted | 451 |
| inspector's certificate as to society or institution | 451 |
| repeal of R.S.O. 1897, c. 259 | 452 |
| NEW HAMBURG, VILLAGE OF, | |
| by-laws authorizing contract with Power Commission confirmed | 308 |
| NEWMARKET, TOWN OF, | |
| power to supply free water and light to Pickering College | 813 |
| NIAGARA FALLS, CITY OF, | |
| jurisdiction of police magistrate as to offences committed with respect to Queenston Heights Park | 351 |
| By-law No. 282 (fixing assessment of Niagara Falls Suspension Bridge Co.), confirmed | 609 |
| NIAGARA FALLS PARK COMMISSION, | |
| agreement with Hydro-Electric Power Commission and Ontario Power Company, confirmed | 308 |
| further issue of debentures authorized | 342 |
| improvements on bank of river between Fort Erie and southern boundary of park | 342 |
| offences against by-laws of commissioners, how punished | 343, 351 |
| agreement with Electrical Development Company of 30th August, 1907, confirmed | 344 |
| establishment of Queenston Heights Park | 349 |
| authority of commissioners respecting | 350 |
| commission may acquire additional lands | 351 |
| NIAGARA FALLS SUSPENSION BRIDGE CO., | |
| assessment of property of, in City of Niagara Falls | 609 |
| NORTH BAY, TOWN OF, | |
| By-law No. 399 (to borrow \$18,000 for purchase of Normal School site and extensions to waterworks system) confirmed | 611 |
| NORTH LANARK RAILWAY COMPANY, | |
| time for completion extended | 779 |
| NORTH MIDLAND RAILWAY COMPANY, | |
| time for commencement and completion extended | 780 |
| NORTH TORONTO, TOWN OF, | |
| power to borrow \$2,000 to make up deficits on sale of debentures... .. | 614 |
| certain purchases of land for streets, confirmed | 614 |
| certain local improvement and other by-laws confirmed | 614 |
| NORTHUMBERLAND & DURHAM, COUNTIES OF, | |
| by-law No. 774 (to borrow \$2,000 for completion of House of Refuge) confirmed | 618 |
| NOXIOUS WEEDS, | |
| duties of overseers of highways as to | 454 |
| NUTTER, SETH C., | |
| assessment of property of, in Town of Cornwall | 486 |
| O. | |
| O'BRIAN, J. B., | |
| payment of certain moneys, in connection with certain Crown proceedings against authorized | 368 |

| | PAGE. |
|--|----------|
| O'BRIEN, M. J., payment of certain moneys, in connection with certain Crown proceedings against authorized | 368 |
| OFFICIAL REFEREE, powers of court or judge on references to | 371 |
| ONTARIO COMPANIES ACT, AMENDMENTS TO, <i>See</i> COMPANIES | 390 |
| ONTARIO CONTRAVERTED ELECTIONS ACT, <i>See</i> CONTRAVERTED ELECTIONS | 119 |
| ONTARIO ELECTION ACT, <i>See</i> ELECTIONS | 31 |
| ONTARIO GAME AND FISHERIES ACT, amendments to: <i>See</i> GAME AND FISHERIES ACT | 457 |
| ONTARIO HORTICULTURAL EXHIBITION, application of Act as to Agricultural Associations | 327 |
| ONTARIO HUDSON'S BAY AND WESTERN RAILWAY, renewal of land grant to | 366 |
| ONTARIO IRON AND STEEL CO., LIMITED, assessment of property of, in Township of Crowland | 498 |
| ONTARIO AND MINNESOTA POWER COMPANY, time for completion of certain works | 367 |
| ONTARIO MUNICIPAL SECURITIES ACT, <i>See</i> MUNICIPAL SECURITIES | 417 |
| ONTARIO POWER COMPANY, contract with Hydro-Electric Power Commission confirmed | 308 |
| ONTARIO RAILWAY ACT, AMENDMENTS TO, <i>See</i> RAILWAYS | 394, 396 |
| ONTARIO RAILWAY AND MUNICIPAL BOARD, regulations as to appliances, etc., on cars | 398 |
| ONTARIO SAULT STE. MARIE RAILWAY COMPANY, time for completion extended | 782 |
| Act of incorporation declared to be in force | 782 |
| ONTARIO SUMMARY CONVICTIONS ACT, not necessary to negative exceptions in description of offence | 359 |
| ONTARIO VOTERS' LISTS ACT, <i>See</i> ELECTIONS | 31 |
| VOTERS' LISTS | 352 |
| ONTARIO WEST SHORE ELECTRIC RAILWAY COMPANY, certain extensions of authorized | 784 |
| time for completion extended | 785 |
| By-law No. 49 of 1907 of Town of Goderich guaranteeing bonds of Company confirmed | 785 |
| By-law No. 552 of Town of Kincardine guaranteeing bonds of Company confirmed | 785 |
| By-law No. 8 of 1907 of Township of Ashfield guaranteeing bonds of Company confirmed | 786 |
| By-law No. 371 of Township of Huron guaranteeing bonds of Com- pany confirmed | 786 |
| OSGOODE, TOWNSHIP OF, authority to borrow \$7,500 to pay floating debt | 620 |
| OTTAWA, CITY OF, reduction of special rate in case of surplus at credit of sinking fund | 626 |
| authority to re-issue certain unsold debentures | 626 |
| certain debentures signed by mayor only, confirmed | 626 |
| expropriation of parts of certain toll roads | 626 |
| power to borrow \$15,000 for relief sewer | 627 |
| power to borrow \$50,000 for subway on Bank St. | 627 |
| power to borrow \$20,000 for new registry office | 627 |
| By-law No. 2720 (amending By-law 2344) confirmed | 627 |
| purchase of certain lands and mortgages to Royal Trust Company confirmed | 628 |
| authority to raise more than \$10,000 annually for maintenance of public library | 628 |
| certain local improvement and other by-laws confirmed | 628 |
| By-law No. 2718 (adopting the assessment of city for 1908) con- firmed | 628 |

| | |
|--|---------------|
| OVERSEERS OF HIGHWAYS, | PAGE. |
| duties as to noxious weeds | 454 |
| OXFORD, COUNTY OF, | |
| By-law No. 571 (county road system) confirmed | 367 |
| P. | |
| PAGE-HERSHEY IRON TUBE AND LEAD CO., | |
| assessment of property of in County of Crowland | 500 |
| PALMER PIANO COMPANY, LIMITED, | |
| loan of \$25,000 to by Town of Uxbridge | 714 |
| PARADES, | |
| by-laws for regulating | 405 |
| PARIS, TOWN OF, | |
| by-laws authorizing contract with Power Commission confirmed... | 308 |
| PENETANGUISHENE METHODIST CHURCH, | |
| certain lands vested in trustees | 817 |
| lands freed from conditions set out in Letters Patent | 817 |
| PENNY SAVINGS BANKS, | |
| school boards authorized to provide supplies for, etc. | 366 |
| PERTH, TOWN OF, | |
| construction of sewers confirmed | 634 |
| variations in system of sewers by two-thirds vote of council..... | 634 |
| construction of branch drains and connections | 634 |
| by-law 974 as amended by by-law No. 1046 (to borrow \$8,491 for property owners' share of certain sewers) confirmed | 635 |
| PETERBOROUGH, CITY OF, | |
| election of aldermen for two years | 641 |
| issue of debentures to cover contingent fund expended by water commissioner | 642 |
| incorporation of certain persons as Peterborough City Trust..... | 643 |
| term of office and appointment by council | 643 |
| powers and duties of | 645-648 |
| board of education authorized to sell certain lands to city | 648 |
| by-law No. 1334 (to aid The Colonial Weaving Co., Limited) con- firmed | 649 |
| by-law No. 1365 (to fix the assessment of the Auburn Woollen Co.) confirmed | 649 |
| by-law No. 1366 (to fix the assessment of The Peter Hamilton Co., Limited) confirmed | 649 |
| by-law No. 1364 (to fix a charge for the use of sewers) confirmed. | 649 |
| authority to loan \$30,000 to Wm. Hamilton Mfg. Co., Limited | 649 |
| certain local improvement and other by-laws confirmed | 650 |
| PETER HAMILTON MFG. CO., LTD., | |
| fixing assessment of, in City of Peterborough | 649 |
| PFEFFER BROS., | |
| grant of \$500 to by Village of Milverton | 597 |
| PHARMACY, | |
| restrictions upon sale of cocaine by retail or wholesale..... | 383 |
| PICKERING COLLEGE, | |
| Trustees of Friends' Seminary authorized to erect a college in Town of Newmarket | 812 |
| Town of Newmarket authorized to supply free water and light to | 813 |
| PITS, | |
| by-laws respecting making and location of | 404 |
| PLACES OF AMUSEMENT, | |
| by-laws regulating location of | 405 |
| regulations respecting cinematograph exhibitions | 452 |
| PLANS, | |
| approval of when streets laid out before registry | 362, 380, 407 |
| POLICE MAGISTRATES, | |
| salary in city of 18,000 and over | 359 |
| POLICE VILLAGES, | |
| disqualification of trustees for membership in council | 403 |
| population necessary before erection of | 409 |

| | |
|--|----------|
| POLLING PLACES, | PAGE. |
| use of schools in cities of 100,600 | 404 |
| PORT ARTHUR, CITY OF, | |
| authority to levy a special rate on lands abutting on water mains | 668 |
| plans showing streets or lanes not to be registered without the con- | |
| sent of council | 669 |
| tax sales prior to 31st Dec., 1906, confirmed | 669 |
| confirmation of certain by-laws | 669 |
| lease to City by Minister of Lands, Forests and Mines of water | |
| power at Dog Lake... .. | 669 |
| development of, by city | 670 |
| power to expropriate lands for | 670 |
| works to be approved of by Hydro-Electric Power Commission. | 670 |
| supply of electrical power to City of Port William | 671 |
| PORT HOPE GAS COMPANY, | |
| new incorporation of the shareholders | 804 |
| term of existence | 805 |
| by-law No. 558, of the Town of Port Hope granting certain rights | |
| to Co., confirmed | 805 |
| PORT HOPE, TOWN OF, | |
| power to borrow \$54,000 to retire certain outstanding debentures | 683 |
| town and harbour commissioners authorized to borrow \$60,000 to | |
| retire certain outstanding debentures | 683 |
| by-law No. 558, granting certain rights to Port Hope Gas Co., | |
| confirmed | 805 |
| POWER COMMISSION, | |
| certain by-laws authorizing contract with commission confirmed ... | 308 |
| by-laws authorizing construction of distribution plant confirmed... | 308 |
| contract with Ontario Power Company confirmed | 308 |
| form of contract with municipalities authorized | 309 |
| erection of dam at outlets of Dog Lake authorized | 326 |
| PRESTON, TOWN OF, | |
| by-laws authorizing contract with Power Commission confirmed ... | 308 |
| PROCESSIONS, | |
| by-laws for regulating | 405 |
| PROPRIETARY CLUBS, | |
| licensing billiard tables, etc., in | 405 |
| PROVINCIAL LOANS, | |
| <i>See</i> LOANS | 178, 179 |
| PROVISIONAL JUDICIAL DISTRICTS, | |
| increase of fees of jurors | 360 |
| boundaries of District of Sudbury under Provisional Judicial Dis- | |
| tricts | 360 |
| registering owners in Land Titles office | 361 |
| erection of Provisional Judicial District of Fort Frances | 373 |
| voters' lists in. <i>See</i> VOTERS' LISTS | 352 |
| PUBLIC BUILDINGS, | |
| regulation as to egress from | 452 |
| application of provisions as to means of egress from | 452 |
| PUBLIC HEALTH, | |
| consent of local board to use of lands within prescribed distance | |
| of dwellings | 365 |
| PUBLIC HIGHWAYS, | |
| <i>See</i> HIGHWAYS. | |
| PUBLIC LIBRARIES, | |
| by-laws for granting aid to | 406 |
| PUBLIC SCHOOLS, | |
| limitation upon location of sites for | 365 |
| retiring allowances to teachers, inspectors, etc. | 365 |
| boards authorized to provide supplies, etc., for penny savings banks | 366 |
| continuation classes | 461 |
| regulations as to admission of pupils to | 461 |
| apportionment of grant for continuation schools and fifth classes | 462 |
| central schools, union of school sections for establishment of | 462 |
| powers of boards as to dismissal of secretary or treasurer | 464 |
| continuation schools to be deemed public schools | 464 |

| | |
|--|----------|
| PUBLIC SCHOOLS. — <i>Continued</i> | PAGE. |
| qualification of teachers | 464 |
| duration of third class certificates | 464 |
| power of district inspectors as to issuing certificates repealed | 464 |
| notification of suspension of certificate of teachers | 464 |
| appeal from suspension | 465 |
| inspector investigating teacher's efficiency, etc., remuneration of | 465 |
| county Boards of Examiners, provisions as to | 465 |
| powers of inspectors as to giving temporary certificates repealed | 465 |
| confirmation of proceedings as to consolidated schools | 465 |
| PUBLIC WORKS, | |
| repeal of Act respecting sale of intoxicating liquors near | 358 |
| Q. | |
| QUARRIES, | |
| by-laws respecting making and location of | 404 |
| QUARRY CLAIMS, | |
| <i>See MINES</i> | 250 |
| QUEENSTON HEIGHTS PARK, | |
| establishment of | 349 |
| acquiring additional lands | 351 |
| offensive trades not to be carried on | 351 |
| punishment of offences against by-laws | 351 |
| jurisdiction of police magistrate of Niagara Falls | 351 |
| QUEEN VICTORIA NIAGARA FALLS PARK, | |
| agreement with Hydro-Electric Power Commission and Ontario Power Company confirmed | 308 |
| further issue of debentures authorized | 342 |
| improvement on bank of river between Fort Erie and southern boundary of Park | 342 |
| offences against by-laws of Commissioners, how punishable | 342 |
| establishment of Queenston Heights Park | 349 |
| authority of Commissioners respecting | 350 |
| Commission may acquire additional lands | 351 |
| R. | |
| RAGS, | |
| licensing and regulating collectors and vendors of | 405 |
| RAILWAYS, | |
| Provincial tax upon. <i>See SUPPLEMENTARY REVENUE</i> | 189 |
| mortgages, etc., on rolling stock to be deposited with Provincial Secretary | 363 |
| interpretation, | |
| "judge" | 394 |
| "owner" to include mortgagee | 394 |
| "land" to include privileges or easements | 394 |
| order of Judge authorizing sale to company | 394 |
| arbitrators, appointment of | 395, 396 |
| fixing date for making award | 396 |
| procedure in case of death or failure to act | 396 |
| taking up award, payment of costs, etc. | 397 |
| duty of company as to fencing line adjoining highway | 395 |
| powers of board as to regulating brakes, sanders, etc. | 398 |
| appointment of fire rangers to act after completion of line | 453 |
| Bracebridge and Trading Lake | 367 |
| Canada Central | 366, 755 |
| Canadian Northern Ontario | 399 |
| Dunnville, Wellandport and Beamsville | 757 |
| Fort Erie Ferry | 759 |
| Grand Trunk | 368 |
| Grand Trunk Pacific | 366 |
| Guelph and Goderich | 527 |
| Guelph Radial | 761 |
| Hamilton and Guelph Junction | 763 |
| Iron Range | 764 |
| Lac Suel, Rat Portage and Keewatin | 768 |

| | |
|---|--------------|
| RAILWAYS.—Continued | PAGE. |
| Lake Superior, Long Lake and Albany River | 770 |
| Michigan Central | 368 |
| Morrisburg Electric | 772 |
| Mount McKay and Kakabeka Falls | 774 |
| North Lanark | 778 |
| North Midland | 780 |
| Ontario Hudson's Bay and Western | 366 |
| Ontario Sault Ste. Marie | 781 |
| Ontario, West Shore Electric | 783 |
| South Western Traction | 801 |
| Western Central | 802 |
| RAINY RIVER FREE GRANTS AND HOMESTEADS ACT, | |
| granting pine and minerals to settlers | 203, 204 |
| RAINY RIVER, PROVISIONAL JUDICIAL DISTRICT OF, | |
| erection of Provisional Judicial District of Fort Frances | 373 |
| duty of local master of titles for | 375-378 |
| name may be changed to Kenora by proclamation | 378 |
| REFERENCES, | |
| powers of court or Judge on reference to official referee | 371 |
| REFERENCES AS TO OFFICIAL REFEREE, | |
| powers of court or Judge | 371 |
| REGISTRATION OF BIRTHS, MARRIAGES AND DEATHS, | |
| <i>See VITAL STATISTICS</i> | 332 |
| REGISTRY LAWS, | |
| powers of attorney executed by companies | 361 |
| office hours in County of Carleton | 361 |
| lists of conveyances to be furnished to municipalities | 362 |
| plans, approval of when showing streets | 362 |
| mortgages on rolling stock of railways, deposit with Provincial Secretary | 363 |
| RELIGIOUS INSTITUTIONS, | |
| conveyances of lands to trustees by their collective names | 366 |
| REPRESENTATION IN LEGISLATIVE ASSEMBLY, | |
| short title | 6 |
| interpretation | 6 |
| augmentations or gores of townships | 7 |
| cities constituting separate electoral districts | 7 |
| number of members to be elected | 7 |
| one member for each district | 7 |
| exceptions as to Toronto | 7 |
| places not specially mentioned | 7 |
| commencement of Act | 7 |
| REVENUE, | |
| consolidated revenue fund | 177, 183 |
| Provincial tax on certain companies. <i>See SUPPLEMENTARY REVENUE</i> | 184 |
| amendments as to tax on mines. <i>See SUPPLEMENTARY REVENUE, 1907</i> | 196 |
| ROYAL TRUST COMPANY, | |
| mortgage of certain lands to company by City of Ottawa confirmed | 627 |
| S. | |
| ST. JAMES' RECTORY, TORONTO, | |
| authority to apportion surplus income of rectory | 818 |
| delegation of powers of Synod to committee | 819 |
| committee to report annually to Synod | 819 |
| ST. MARY'S, TOWN OF, | |
| by-laws authorizing contract with Power Commission confirmed ... | 308 |
| ST. MICHAEL'S HOSPITAL, | |
| grant of \$50,000 to by City of Toronto | 700 |
| ST. THOMAS, CITY OF, | |
| by-laws authorizing contract with Power Commission confirmed ... | 308 |
| ST. THOMAS RAILROAD AND CITY YOUNG MEN'S CHRISTIAN ASSOCIATION, | |
| incorporation of | 821 |
| certain lands vested in Association | 821 |
| exemption of property of from taxation | 822 |

| | |
|---|-------|
| ST. THOMAS YOUNG WOMEN'S CHRISTIAN ASSOCIATION, | PAGE. |
| incorporation of, confirmed | 828 |
| certain lands vested in Association | 828 |
| exemption of property of from taxation | 829 |
| SARNIA, TOWN OF, | |
| power to borrow money to pay extra costs of paving, etc., track allowances of Sarnia Street Ry. Co. | 686 |
| SAULT STE. MARIE, TOWN OF, | |
| assessment and collectors' rolls from 1903 to 1907 validated | 689 |
| SCHOOLS, | |
| limitation upon location of sites for | 365 |
| retiring allowances to teachers, inspectors, etc. | 365 |
| boards authorized to provide supplies, etc., for penny savings banks | 366 |
| use of as polling places in cities of 100,000 | 404 |
| application of provisions as to means of egress from | 452 |
| powers of Education Department as to application of grant, regu- lations, etc. | 459 |
| amendments to Public School laws. <i>See</i> PUBLIC SCHOOLS | 461 |
| amendments to Separate Schools. <i>See</i> SEPARATE SCHOOLS | 466 |
| SCHOOL CENSUS, | |
| how to be made | 414 |
| SCRAP IRON, | |
| licensing and regulating collectors and vendors of | 405 |
| SEAMAN, KENT COMPANY, | |
| by-law No. 45 of 1907, granting bonus to and exempting property of, confirmed | 583 |
| SECOND-HAND GOODS, | |
| licensing and regulating collectors and vendors of | 405 |
| SEPARATE SCHOOLS, | |
| boards authorized to provide supplies, etc., for penny savings banks | 366 |
| continuation schools and fifth classes | 466 |
| qualification of teachers for continuation schools | 466 |
| maintenance of continuation schools and fifth classes | 466 |
| regulations of Department of Education as to carrying out pro- visions | 466 |
| SHERIFFS, | |
| office hours on Saturdays in Carleton and York | 164 |
| SHOPS, | |
| employment of children of school age in | 436 |
| SIDEWALKS, | |
| construction of curb as local improvement | 407 |
| charging cost of against lands on both sides of street | 407 |
| SLEEPING AND PARLOR CAR COMPANIES, | |
| Provincial tax on. <i>See</i> SUPPLEMENTARY REVENUE | 191 |
| SMITH'S FALLS, TOWN OF, | |
| certain by-laws of confirmed | 690 |
| SMOKE PREVENTION, | |
| by-laws regulating | 406 |
| SOLEMNIZATION OF MARRIAGE, | |
| confirmation of certain marriages performed under laws of Mani- toba in northwestern portion of the Province | 362 |
| SOUTHAMPTON, TOWN OF, | |
| authority to raise rate of interest on certain unsold debentures... | 693 |
| SOUTH AFRICAN VOLUNTEERS, | |
| amendments as to grants of lands to | 205 |
| SOUTH-WESTERN TRACTION COMPANY, | |
| time for commencement of certain part and completion of whole of railway extended | 801 |
| STABLES, | |
| powers of police commissioners as to location of | 404 |
| STATIONARY ENGINEERS, | |
| extension of time within which uncertificated persons may be em- ployed | 385 |

STATUTE LAW AMENDMENTS,

| | PAGE. |
|---|----------|
| interpretation, construction of interpretation sections in Statutes... | 352 |
| "Assembly" | 352 |
| "High Court" | 352 |
| "Supreme Court" | 352 |
| power to impose imprisonment authorizes hard labour | 352 |
| voters' lists, | |
| territory without assessment roll to be deemed unorganized ... | 352 |
| affidavit in support of application to judge to be entered on list | 353 |
| form of | 353 |
| who may appeal or complain to judge | 353 |
| certified lists, how dealt with | 353 |
| substitution of new appellant by judge | 353 |
| stating case for Court of Appeal | 353 |
| in unorganized territory—appointment of enumerators | 353 |
| when lists to be prepared | 353 |
| suspension of preparation of list in any year | 354 |
| oath of enumerator, who may administer | 354 |
| informalities not to invalidate lists | 354 |
| appeals, notice of hearing | 354 |
| time for giving notice of appeal | 354 |
| time for depositing list with clerk of the peace | 354 |
| finality of lists | 355 |
| notice of complaint, form of | 355 |
| manhood suffrage registration | 356 |
| persons on service in active militia | 356 |
| members of board in City of Niagara Falls | 356 |
| temporary absence | 356 |
| members of permanent militia corps and persons on active service as militiamen, students | 356 |
| amendments of forms of oaths | 356, 357 |
| contracts with Crown, execution of, what necessary | 357 |
| succession duty, security to be given by executors, etc., for payment of | 357, 358 |
| extension of time for payment | 358 |
| registration of caution in Land Titles Office by treasurer | 358 |
| sale of intoxicating liquors near public works, repeal of Act respecting | 358 |
| Temiskaming and Northern Ontario Railway, making grants to municipalities in which town sites situated | 358 |
| Surrogate Courts, payments to county judge other than surrogate judge out of surplus fees | 358 |
| jurors, increase in fees of | 359 |
| in unorganized territory | 360 |
| executions, seizing money and securities | 359 |
| police magistrates, salaries in cities of 18,000 or over | 359 |
| summary convictions, not necessary to negative exceptions in description of offence | 359 |
| coroners, taking evidence in shorthand at inquests | 360 |
| interpreters, employment of at inquests and preliminary investigations | 360 |
| provisional judicial district of Sudbury, boundaries of | 360 |
| registering owners in land titles office | 361 |
| registration, powers of attorney executed by companies | 361 |
| office hours in County of Carleton | 361 |
| plans, showing streets to be approved before registry | 362 |
| lists of conveyances to be furnished to municipalities | 362 |
| master and servant, recovery of wages for piece work | 362 |
| marriage, confirmation of certain marriages performed under law of Manitoba in northwestern portion of Province | 362 |
| exception as to one Jas. G. Bennett | 362 |
| railway companies, mortgages, etc., on rolling stock, deposit with Provincial Secretary | 363 |
| extra provincial corporations, return to be made by licensees | 363 |
| natural gas companies, regulation of charges of exporting companies | 363 |
| insurance, meetings of directors | 363 |

| STATUTE LAW AMENDMENTS.— <i>Continued</i> | | PAGE. |
|---|------|-------|
| loan corporations, granting registration at commuted fee to com- pany discontinuing business | | 364 |
| cemetery companies, owner, etc., of burial ground to register name | | 364 |
| burial ground trustees, powers of expropriation | | 364 |
| municipal institutions, payment for use of court house for city or town division courts | | 364 |
| powers of councils as to establishing telephone systems | | 364 |
| public health, consent of local board of health to use of land within prescribed distance of dwellings | | 365 |
| factories, limitation of right to damages caused by noncompliance with Statutes | | 365 |
| schools, limitation upon location of sites for | | 365 |
| retiring allowances to teachers, inspectors, etc. | | 365 |
| boards authorized to provide supplies, etc., for penny savings banks | | 366 |
| religious institutions, conveyances to trustees by their collective names | | 366 |
| Ontario Hudson's Bay and Western Railway, renewal of land grant to | | 366 |
| Grand Trunk Pacific Ry. land grant, townships to be six miles square | | 366 |
| Canada Central Railway, time for earning subsidy to | | 366 |
| Toronto General Hospital, approval of by-laws by Lieutenant-Gov- ernor in Council | | 367 |
| Ontario and Minnesota Power Company, time for completion of certain works | | 367 |
| Bracebridge and Trading Lake Ry., time for earning subsidy | | 367 |
| Oxford, County of, by-law No. 571 (county road system) confirmed... | | 367 |
| Middlesex, County of, by-law No. 601 (county road system) confirmed | | 367 |
| Barrie, Town of, agreement with Grand Trunk Ry. authorized .. | | 368 |
| Alpha Mining Company, payment of \$130,000 in settlement of claims authorized | | 368 |
| Essex, Town of, payment of part of fine imposed on Michigan Cen- tral Ry. to authorized | | 368 |
| West Toronto, City of, pending litigation not affected by Act passed at present session | | 368 |
| STRATFORD, CITY OF, by-laws authorizing contract with Power Commission confirmed... | | 308 |
| STREET RAILWAYS, provincial tax upon. <i>See</i> SUPPLEMENTARY REVENUE | | 190 |
| authority of board as to certain appliances on cars | | 398 |
| SUCCESSION DUTY, security to be given by executors, etc., for payment of | 357, | 358 |
| extension of time for payment | | 358 |
| registration of caution in Land Titles office by Treasurer | | 358 |
| SUDBURY, Provisional Judicial District of | | 360 |
| registering owners in Land Titles office | | 360 |
| SUMMARY CONVICTIONS, not necessary to negative exceptions in description of offence..... | | 359 |
| SUPPLEMENTARY REVENUE, interpretation | | 184 |
| “Treasurer” | | 184 |
| “bank” | | 184 |
| “insurance company” | | 184 |
| “loan company” | | 184 |
| “trust company” | | 185 |
| “head office” | | 185 |
| “company” | | 185 |
| “extra provincial company” | | 185 |
| “street railway” | | 185 |
| “railway” | | 186 |
| exception as to public utilities carried on by municipal corpora- tions | | 186 |
| taxes payable to the province | | 186 |

SUPPLEMENTARY REVENUE.—*Continued*

| | PAGE. |
|---|----------|
| banks | 186 |
| insurance companies | 186, 187 |
| loan companies | 188 |
| trust companies | 189 |
| railways | 189 |
| street railways | 190 |
| telegraph companies | 191 |
| telephone companies | 191 |
| gas companies | 191 |
| electric companies | 191 |
| express companies | 191 |
| sleeping and parlour car companies | 191 |
| telephone and telegraph wires and plant of railway, when to be exempt | 191 |
| how tax to be ascertained | 191 |
| when to accrue | 192 |
| return by companies liable to tax | 192 |
| when to be made | 192 |
| from of | 192 |
| verification of | 192 |
| penalty for not making | 192 |
| Treasurer may enlarge time for making | 192 |
| requisition by Treasurer for further information | 192 |
| commission of enquiry where information unsatisfactory | 192 |
| additional tax where amount understated | 193 |
| understatement made in good faith | 193 |
| collection of taxes | 193 |
| by distress | 193 |
| by action | 194 |
| taxes and penalties to be a first lien | 194 |
| Treasurer may sue by his name of office | 194 |
| penalties to be recovered at instance of or with consent of Attorney General | 194 |
| compromising disputes as to liability for taxes | 194 |
| apportionment of one-half the revenue from taxes on railways among municipalities | 194 |
| deduction of <i>per diem</i> amount due for maintenance of patients in asylums | 194 |

SUPPLEMENTARY REVENUE (1907),

| | |
|---|-----|
| income tax on mines, allowance for tax paid to municipality..... | 196 |
| acreage tax not payable on less than 10 acres | 197 |
| natural gas, when exempt from taxation, municipal corporation not liable for gas used in Canada | 197 |
| collection of taxes by injunction or appointment of receiver | 197 |

SUPPLIES,

| | |
|-------------------------------------|---|
| for civil government for 1908 | 1 |
|-------------------------------------|---|

SUPREME HEATING COMPANY, LIMITED,

| | |
|---|-----|
| grant of \$1,500 to and assessment of property of, by Town of Welland | 725 |
|---|-----|

SURROGATE COURTS,

| | |
|---|-----|
| payments to county judge other than surrogate judge out of surplus fees | 358 |
|---|-----|

T.

TAXES,

| | |
|---|----------|
| payable to Province. <i>See</i> SUPPLEMENTARY REVENUE | 184, 196 |
| <i>See</i> ASSESSMENT AMENDMENTS | 414 |

TELEGRAPH COMPANIES,

| | |
|---|-----|
| provincial tax upon. <i>See</i> SUPPLEMENTARY REVENUE | 191 |
| time for making annual return to Provincial Secretary | 414 |

TELEPHONE COMPANIES,

| | |
|---|-----|
| provincial tax on. <i>See</i> SUPPLEMENTARY REVENUE | 191 |
| time for making annual return to Provincial Secretary | 414 |

| TELEPHONE SYSTEMS, | PAGE. |
|---|----------|
| powers of municipal councils for establishment of | 364 |
| establishment of, by municipal council upon petition of subscribers | 410 |
| particulars to be stated in petition | 410 |
| corporation to hold system in trust for subscribers | 411 |
| powers of corporation installing | 411 |
| carrying works into another municipality | 411 |
| connecting with other systems | 411 |
| issuing debentures for cost of work | 412 |
| establishment of exchanges | 412 |
| fixing Government standard for systems | 413 |
| officer may be detailed to superintend work | 413 |
| TEMAGAMI FOREST RESERVE, | |
| withdrawal of certain lands from | 207 |
| sale of timber after damage by fire | 207 |
| TEMISKAMING AND NORTHERN ONTARIO RAILWAY, | |
| commission authorized to make grants to municipalities in which town sites situated | 353 |
| THOROLD, TOWN OF, | |
| by-law No. 183 (to borrow \$80,000 for construction of waterworks) confirmed | 695 |
| by-law No. 188 (increasing rate of interest under by-law 183), confirmed | 695 |
| TIMBER ON PUBLIC LANDS, | |
| rights of locatees and patentees of free grants | 201, 203 |
| withdrawal of certain lands from Temagami Forest Reserve..... | 207 |
| sale of timber after damage by fire | 207 |
| TORONTO, CITY OF, | |
| by-laws authorizing contract with Power Commission confirmed... | 308 |
| agreement with Toronto Ry. Co. | 699 |
| grant of \$50,000 to Hospital for Incurables | 700 |
| grant of \$50,000 to Toronto and Muskoka Free Hospitals for con- sumptives | 700 |
| grants of \$50,000 to St. Michael's, Grace and Western Hospitals. | 700 |
| agreement with Hospital for Incurables confirmed | 701 |
| filling vacancies on Board of Directors of Industrial Exhibition Association | 701 |
| confirmation of certain by-laws | 701 |
| use of part of Riverdale Park for a hospital for minor contagious diseases | 701 |
| power to remit part of special rate for Dundas St. sewer | 702 |
| TORONTO FREE HOSPITAL FOR CONSUMPTIVES, | |
| grant to by City of Toronto | 700 |
| TORONTO GENERAL HOSPITAL, | |
| approval of by-laws by Lieutenant-Governor in Council | 367 |
| TORONTO HOSPITAL FOR INCURABLES, | |
| grant of \$50,000 to, by City of Toronto | 700 |
| agreement with City of Toronto confirmed | 701 |
| TORONTO JUNCTION, TOWN OF, | |
| by-laws authorizing contract with Power Commission confirmed... | 308 |
| pending litigation not affected by Act incorporating as City | 353 |
| power to borrow \$25,000 to build a public school | 737 |
| incorporation of town as City of "West Toronto" | 738 |
| by-law No. 635 to borrow \$100,000 to construct certain local improvements confirmed | 740 |
| assessment and collectors' rolls confirmed | 740 |
| tax sales prior to 1st January, 1906, confirmed | 740 |
| TORONTO RAILWAY COMPANY, | |
| construction of agreement with the City of Toronto | 699 |
| TRENTON, TOWN OF, | |
| by-law No. 939, fixing assessment of property of Central Ontario Railway, confirmed | 710 |
| authority to increase rate of interest on certain unsold debentures | 711 |

| | |
|--|--------------|
| TRUST COMPANIES, | PAGE. |
| Provincial tax upon. See SUPPLEMENTARY REVENUE | 189 |
| power of court to appoint as executor, etc. | 392 |
| may be appointed sole trustees | 393 |
| when appointment may be made | 393 |
| security need not be given by | 393 |
| revocation of approval by Lieutenant-Governor in Council..... | 393 |
| TRUSTEE OF THE FRIENDS' SEMINARY OF ONTARIO, | |
| certain lands in Town of Newmarket and Township of Whitechurch vested in trustees | 812 |
| power to sell lands | 813 |
| Town of Newmarket authorized to grant free water and light to Pickering College | 813 |
| U. | |
| UNORGANIZED TERRITORY, | |
| preparation of voters' lists in | 353 |
| Provisional Judicial District of Fort Frances created | 373 |
| increase of fees of jurors | 360 |
| boundaries of Provisional Judicial District of Sudbury | 361 |
| UPPER CANADA BUILDING FUND, | |
| payments by Dominion to Province, how to be dealt with | 183 |
| UPPER CANADA GRAMMAR SCHOOL FUND, | |
| payment by Dominion to Province, how to be dealt with | 183 |
| UXBRIDGE, TOWN OF, | |
| by-law No. 514 to loan \$25,000 to Palmer Piano Co., Limited, con- firmed | 714 |
| power to borrow \$23,500 to retire certain outstanding debentures .. | 714 |
| power to purchase existing electric light plant and to borrow \$10,000 therefor | 716 |
| V. | |
| VETERANS LAND GRANTS, | |
| time for making application extended | 205 |
| certificate of location | 205 |
| rights of devisee of applicant when next of kin | 206 |
| redemption of certificates by Treasurer of the Province on cash payment | 206 |
| VITAL STATISTICS. | |
| interpretation | 332 |
| “municipality” | 332 |
| “inspector” | 332 |
| “prescribed form” | 332 |
| “house” | 332 |
| “occupier” | 332 |
| “Registrar-General” | 332 |
| Indian reserves, application of Act to | 332 |
| Inspector of Vital Statistics | 3-2 |
| report of Registrar-General | 333 |
| regulations to be made by Lieutenant-Governor in Council | 333 |
| searching records of registrations | 333 |
| certificate of registrations | 333 |
| evidence of certificate | 333 |
| fees for searches and certificates | 333 |
| forms and schedules for statistics | 333 |
| registration divisions | 334 |
| Province to be divided into divisions | 334 |
| municipalities to be divisions | 334 |
| territory not within municipality may be attached to a divi- sion | 334 |
| unorganized territory, appointment of registrar for | 334 |
| Division Registrars | 334 |
| clerk of municipality to be registrar | 334 |
| forms supplied to registrars | 334 |
| registrars to keep schedules and make returns | 334 |
| schedules to be arranged in prescribed form | 334 |

VITAL STATISTICS.—*Continued*

| | PAGE. |
|--|-------|
| forms and documents, how to be kept | 334 |
| duties of registrar on default of registration | 335 |
| certificate of registration to be given by registrar | 335 |
| errors in registration, correction by registrar | 335 |
| correction by Registrar-General | 335 |
| births, registration of | 335 |
| medical practitioner attending birth, notice by | 335 |
| father or mother, notice by | 335 |
| person standing in place of parent | 336 |
| occupier of a house, notice by | 336 |
| nurse or midwife, notice by | 336 |
| time within which notice to be given | 336 |
| child found exposed | 336 |
| notice by finder | 336 |
| illegitimate child, registration of father of | 336 |
| time within which registrar may register birth | 336 |
| regulations for registration | 336 |
| altering or inserting name after registration | 336 |
| marriages, registration of | 337 |
| report by person who solemnizes | 337 |
| regulations for registration | 337 |
| deaths, registration of | 337 |
| occupier of house and other persons, notice by | 337 |
| unorganized territory, registration of death in | 337 |
| certificate of death in unorganized territory | 337 |
| sub-registrar, appointment of | 338 |
| registration and return by sub-registrar | 338 |
| forms for returns, to be supplied by Registrar-General | 338 |
| death out of Ontario, certificate of same | 338 |
| removal for burial not to be made without certificate | 338 |
| certificate of death to be delivered by registrar | 338 |
| cemetery or burial ground, interment in | 338 |
| returns by caretakers and owners of burial grounds | 339 |
| registration of death after burial | 339 |
| registration where body found not in a house | 339 |
| penalties, prosecutions and expenses of same | 339 |
| neglect or refusal to make returns | 339 |
| making false statements | 339 |
| not reporting birth, marriage, death or burial | 339 |
| violations of other provisions of Act | 340 |
| inspector to investigate violations | 340 |
| penalties to be recovered under <i>Ontario Summary Convictions Act</i> | 340 |
| distribution of penalties | 340 |
| time for commencement of prosecutions | 340 |
| prosecutions to be conducted by County Crown Attorney | 340 |
| expenses of prosecutions | 340 |
| fees of division registrars | 340 |
| municipality to pay fees annually | 340 |
| payment of fees in unorganized territory | 341 |
| Revised Statutes of Ontario, 1897, c. 44, repealed | 341 |
| VOLUNTEERS, | |
| amendments as to grants of lands to | 205 |
| VOTERS' LISTS, | |
| territory without assessment roll to be deemed unorganized | 352 |
| affidavit in support of application to Judge to be entered on list | 353 |
| form of | 353 |
| who may appeal or complain to Judge | 353 |
| certified lists, how dealt with | 353 |
| substitution of new appellant by Judge | 353 |
| stating case for Court of Appeal | 353 |
| in unorganized territory, appointment of enumerators | 353 |
| when lists to be prepared | 353 |
| suspension of preparation of lists in any year | 354 |
| oath of enumerator, who may administer | 354 |

VOTERS' LISTS.—*Continued*

| | PAGE. |
|--|-------|
| informalities not to invalidate lists | 354 |
| appeals, notice of hearing | 354 |
| time for giving notice of appeal | 354 |
| time for depositing list with clerk of the peace | 354 |
| finality of lists | 355 |
| notice of complaint, form of | 355 |
| on voting on by-laws | 403 |
| See ELECTIONS | 31 |

W.

| | |
|--|-----|
| WAGES, | |
| recovery of when for piece work | 362 |
| WALLACEBURG, TOWN OF, | |
| by-law No. 139, fixing assessment of Hawkins Milling Co., Limited, confirmed | 722 |
| power to construct certain local improvements | 722 |
| WASTE PAPER, | |
| licensing and regulating collectors and vendors of | 405 |
| WATERLOO, TOWN OF, | |
| by-laws authorizing contract with Power Commission confirmed | 308 |
| WATER WORKS, | |
| laying mains to connect with city or town system as local improvement | 408 |
| WEEKLY COURT, | |
| what matters may be disposed of at London | 372 |
| provisions to come into force on proclamation | 372 |
| powers of local taxing officers at Ottawa and London as to increased counsel fees | 372 |
| WEIGHTS AND MEASURES, | |
| by-laws for forfeiting articles for light-weight or measure | 405 |
| WELLAND, TOWN OF, | |
| by-laws Nos. 240 and 291 (construction of granolithic sidewalks and sewers) confirmed | 725 |
| by-law No. 246, granting \$1,800 to Thos. J. Dillon, and \$1,500 to the Supreme Heating Co., Limited, and fixing assessment on the property of each, confirmed | 725 |
| by-law No. 264 (to borrow \$15,000 for extensions to waterworks system) confirmed | 726 |
| WELLINGTON, COUNTY OF, | |
| agreement with Town of Mount Forest as to maintenance of certain bridges confirmed | 733 |
| WESTERN CENTRAL RAILWAY COMPANY, | |
| time for commencement and completion extended | 802 |
| WESTERN HOSPITAL, | |
| grant of \$50,000 by City of Toronto | 700 |
| WESTERN UNIVERSITY AND COLLEGE, | |
| City of London authorized to grant money for establishment of Faculty of Arts | 823 |
| constitution of board of governors | 824 |
| power and duties of board | 824 |
| constitution of Senate | 825 |
| power to confer degrees | 827 |
| WESTON, VILLAGE OF, | |
| by-laws authorizing contract with Power Commission confirmed ... | 308 |
| WEST TORONTO, CITY OF, | |
| by-laws authorizing contract with Power Commission confirmed ... | 308 |
| pending litigation not affected by Act passed at present Session ... | 368 |
| Town of Toronto Junction erected into a city. See TORONTO JUNCTION | 738 |
| WIDDIFIELD, TOWNSHIP OF, | |
| authority to pass by-law No. 128, exempting the property of Montreal Reduction and Smelting Co. from taxation | 747 |

| | PAGE. |
|--|-------|
| WINDSOR, CITY OF, | |
| payment of excess of cost of certain pavements opposite street intersections, etc. | 750 |
| by-law No. 1,223 (to borrow \$24,360 for certain local improvements) confirmed | 751 |
| WOODSTOCK, CITY OF, | |
| by-laws authorizing contract with Power Commission confirmed ... | 308 |
| Y. | |
| YORK, TOWNSHIP OF, | |
| by-law No. 2,095 (fixing assessment of property of Clarke & Clarke, Limited) confirmed | 752 |

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